

By Mr. PEPPER: Petition of Ministers' Association, Clinton, Iowa, favoring the passage of the Kenyon-Sheppard liquor bill, prohibiting the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. POWERS: Petition of citizens of the eleventh congressional district of Kentucky, favoring the passage of legislation for protection of merchants and others from the nonpayment of debts contracted by soldiers drawing pensions; to the Committee on Pensions.

By Mr. RAKER: Petition of California Retail Grocers Association, San Francisco, Cal., protesting against the passage of the Oldfield patent bill prohibiting the fixing of prices by the manufacturer of patent goods; to the Committee on Patents.

By Mr. SHEPPARD: Papers accompanying House bill 4312, to correct the military record of H. S. Hathaway; to the Committee on Military Affairs.

By Mr. TILSON: Petition of Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of the Chamber of Commerce of the State of New York, protesting against the proposed changes in Senate bill 7208, relative to the carriage of cargo by sea; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Indian War Veterans, Denver, Colo., favoring the passage of legislation granting pensions to the veterans of the Indian wars; to the Committee on Pensions.

Also, petition of Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Pine Bluff Lodge, No. 305, Brotherhood of Railroad Trainmen, protesting against the passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. WEEKS: Petition of Waltham Progressive Club, Waltham, Mass., favoring the passage of legislation in connection with the pending tariff legislation that such law or laws take effect one year from passage; to the Committee on Ways and Means.

By Mr. WICKERSHAM: Petition of resident fishermen of Petersburg, Alaska, favoring the passage of legislation preventing the setting of fish traps in tidal waters of Alaska; to the Committee on the Territories.

## SENATE.

SATURDAY, January 11, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

### EXECUTIVE SESSION.

Mr. WARREN. Mr. President, there is a situation regarding certain prominent officers in the Army whereby their nominations will have to be considered to-day or they go out of the Army. I therefore move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore (Mr. BACON). The Senator from Wyoming moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 56 minutes spent in executive session the doors were reopened.

### IMPEACHMENT OF ROBERT W. ARCHBALD.

The PRESIDENT pro tempore (Mr. BACON) having announced that the time had arrived for the consideration of the articles of impeachment against Robert W. Archbald, the respondent appeared with his counsel, Mr. Worthington, Mr. Simpson, Mr. Robert W. Archbald, jr., and Mr. Martin.

The managers on the part of the House of Representatives appeared in the seats provided for them.

The Sergeant at Arms made the usual proclamation.

The PRESIDENT pro tempore. The Secretary will read the Journal of the last session of the Senate sitting for the consideration of the articles of impeachment.

The Journal of yesterday's proceedings of the Senate sitting as a Court of Impeachment was read.

The PRESIDENT pro tempore. Are there any inaccuracies in the Journal? If not, it will stand approved. What is the pleasure of the Senate?

Mr. CLARK of Wyoming. I move that the doors be closed for deliberation.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the doors be closed for deliberation on the part of Senators. [Putting the question.]

Mr. Manager CLAYTON. Before the motion is announced as having been carried, I will state that I submitted a communication to the President of the Senate this morning directing attention to what I think is an infraction of the rules of the Senate on the part of Mr. Worthington, of counsel for the respondent, who has withheld his remarks from the Record.

Mr. President, everyone else printed his remarks when those remarks were completed, without withholding them; and I know of no rule of any court which permits this to be done. Against that, Mr. President, I desire to say that I think it is improper. I have called the attention of the Presiding Officer to that fact, and I hope that the order made in this case will be observed.

Mr. WORTHINGTON. I have only to say, Mr. President, that after the late hour when we adjourned here last night, as soon as possible I got to work at the manuscript which had been forwarded to me and continued to work on it until midnight. I was then told that it was too late to get it in the Record of to-day.

I was not aware of any rule of the Senate which prevented this from being done, and I observed, I think, that the remarks of one of the managers, Mr. Manager HOWLAND, had been withheld.

Mr. BRANDEGEE. Mr. President, I rise to a question of order, which is that the motion to close the doors is not debatable.

Mr. Manager CLAYTON. Mr. President, may I not make, with the permission of the Senator, another suggestion? The manager who is now addressing you remained at his office last night until the hour of 12.30 in order to read the manuscript of the report of his remarks made here yesterday, made after the gentleman who has just addressed you made his. And it will be borne in mind that Mr. Worthington made part of his argument day before yesterday.

Mr. President, it seems to me that in all fairness and due observance of this rule his remarks should have been in the Record this morning. This manager, who labored under greater disadvantage than he did, has put his in the Record this morning.

The PRESIDENT pro tempore. The Chair withheld the announcement of the vote out of courtesy to the manager on the part of the House of Representatives, which the Chair supposed would meet with the acquiescence and approval of the Senate. Strictly, of course, the order to close the doors ought to have been made, but this was the only opportunity, and the manager on the part of the House of Representatives, in the opinion of the Chair, was entitled to that courtesy. The Chair will now, however, declare that the motion of the Senator from Wyoming is carried, and the Sergeant at Arms is directed to clear the galleries and close the doors.

The managers on the part of the House, the respondent, and his counsel thereupon withdrew.

The galleries having been cleared, the Senate proceeded to deliberate with closed doors.

After 1 hour and 32 minutes the doors were reopened.

Mr. Worthington, Mr. Robert W. Archbald, jr., and Mr. Martin, of counsel for the respondent, appeared.

The managers on the part of the House of Representatives appeared in the seats provided for them.

Mr. CLARK of Wyoming. I offer two separate orders, which I ask may be acted upon in the order in which they are sent to the desk.

The PRESIDENT pro tempore. The Secretary will read the first order proposed by the Senator from Wyoming.

The Secretary read as follows:

*Ordered*, That on Monday, January 13, 1913, at the hour of 1 o'clock p. m., a final vote be taken on the articles of impeachment presented by the House of Representatives against Robert W. Archbald, additional circuit judge of the United States.

The order was considered by unanimous consent and agreed to.

The PRESIDENT pro tempore. The next order submitted by the Senator from Wyoming will be read.

The Secretary read as follows:

*Ordered*, That the Secretary of the Senate do acquaint the House of Representatives that the Senate sitting as a High Court of Impeachment will on Monday, the 13th day of January, instant, at the hour of 1 o'clock p. m., proceed to pronounce judgment on the articles of impeachment exhibited by the House of Representatives against Robert W. Archbald.

The order was considered by unanimous consent and agreed to.

Mr. ROOT. I offer the following order.

The Secretary read as follows:

*Ordered*, That upon the final vote the Presiding Officer shall direct the Secretary to read the several articles successively, and after the

reading of each article the Presiding Officer shall put the question following, namely:

"Mr. Senator ———, how say you; is the respondent, Robert W. Archbald, guilty or not guilty of the high misdemeanors, or a high crime and misdemeanor, as the case may be, as charged in this article?"

The PRESIDENT pro tempore. The question is upon the adoption of the order offered by the Senator from New York, which has just been read.

Mr. CLARKE of Arkansas. Mr. President, do I correctly understand that the Chair is to adopt the formula as stated in the proposed order and address it to each Senator? Why not address it to the Senate and call the roll? In other words, why not address that inquiry to Senators collectively? That inquiry to each Senator will require vastly more time than the taking of the vote, and I do not see that it will serve any good purpose, but will simply consume time unnecessarily. I therefore move that an amendment be made to the order that will conform to that idea. What does the Senator from New York say to that?

Mr. ROOT. I have no objection to that. That was the form followed in the Johnson case and the Belknap case.

Mr. CLARKE of Arkansas. Yes; but we have at hand a short session, and if the proceeding can be abbreviated somewhat without destroying its solemnity and importance I think it should be done.

Mr. ROOT. That can be ordered. If the order can be returned to me, I will modify it in order to meet that suggestion.

Mr. FLETCHER. I suggest that Rule XXII covers the matter sufficiently. It reads that "on the final question whether the impeachment is sustained," which is the whole question, it seems to me, that ought to be submitted, "the yeas and nays shall be taken on each article of impeachment separately."

Mr. ROOT. Mr. President, as there seems to be some question regarding the form, I will withdraw this proposed order and leave the question open under the rule as it stands, without any addition.

Mr. OWEN. That is better.

Mr. GALLINGER. Yes; that is better.

Mr. ROOT. I offer the following order, which is a copy of the order made in the Belknap case.

The Secretary read as follows:

*Ordered.* That upon the final vote in the pending case each Senator may, in giving his vote, state his reasons therefor, occupying not more than one minute; which reason shall be entered in the Journal in connection with his vote; and each Senator may within two days after the final vote file his opinion in writing, to be published in the printed proceedings in the case.

Mr. McCUMBER. I move to amend the proposed order by striking out the first of it, relating to the one-minute explanation of a vote, so that the latter portion may still stand.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota to amend the order as indicated.

Mr. BRISTOW. I should like the yeas and nays on that question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce that the senior Senator from Michigan [Mr. SMITH] is in Mexico on the investigating committee appointed by the Senate, and for that reason he is, unfortunately, absent.

The roll call having been concluded, the result was announced—yeas 40, nays 31, not voting 23, as follows:

## YEAS—40.

Borah	Clapp	La Follette	Poindexter
Bourne	Crane	Lippitt	Sanders
Bradley	Crawford	Lodge	Shively
Brandeggee	Cummins	McCumber	Smith, Ariz.
Bristow	Curtis	Myers	Smith, Md.
Brown	Dillingham	O'Gorman	Smoot
Burnham	Gronna	Oliver	Sutherland
Burton	Johnson, Me.	Paynter	Swanson
Catron	Kenyon	Penrose	Townsend
Chamberlain	Kern	Perkins	Williams

## NAYS—31.

Ashurst	Fletcher	Newlands	Smith, Ga.
Bacon	Foster	Owen	Stone
Bryan	Gallinger	Page	Thornton
Clark, Wyo.	Hitchcock	Perky	Tillman
Clarke, Ark.	Jones	Pomerene	Warren
Cullerson	Martin, Va.	Reed	Wetmore
Cullom	Martine, N. J.	Root	Works
du Pont	Nelson	Simmons	

## NOT VOTING—23.

Bankhead	Gardner	Johnston, Tex.	Richardson
Briggs	Gore	Lea	Smith, Mich.
Chilton	Guggenheim	McLean	Smith, S. C.
Dixon	Helskell	Massey	Stephenson
Fall	Jackson	Overman	Watson
Gamble	Johnston, Ala.	Percy	

So the amendment to the order was agreed to.

The PRESIDENT pro tempore. The question now is upon the adoption of the order as amended.

The order as amended was agreed to.

Mr. WORTHINGTON. Mr. President, I should like to ask, for the information of counsel for the respondent, just in what form the question is to be put, under the action the Senate has just taken?

The PRESIDENT pro tempore. The Chair is unable to answer the question. Does counsel inquire of the Chair?

Mr. WORTHINGTON. I was asking the Chair for information.

The PRESIDENT pro tempore. The order adopted will leave it to the Chair to frame the question.

Mr. CRAWFORD. I move that the Senate sitting as a Court of Impeachment do now adjourn until Monday next at 1 o'clock. The motion was agreed to.

The managers on the part of the House, the respondent, and his counsel thereupon withdrew.

## LOANS IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS. I move that the Senate take up the conference report on the loan-shark bill, so called.

Mr. SMITH of Georgia. Are we not in an unfinished state as to what the Senate actually did in reference to giving a unanimous consent?

The PRESIDENT pro tempore. That is not in the nature of unfinished business. It can be called up again. The question is on agreeing to the motion of the Senator from Kansas, that the conference report on the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia be now taken up. [Putting the question.] By the sound, the yeas appear to have it.

Mr. CURTIS. I call for a division.

Mr. SMITH of Georgia. What is the motion?

The PRESIDENT pro tempore. The Senator from Kansas moves to take up the conference report on House bill 8768, commonly known as the loan-shark bill. Upon that question the Senator from Kansas asks for a division.

Mr. GALLINGER. I ask for the yeas and nays. It will save time.

The yeas and nays were ordered.

Mr. REED. Mr. President, I have not the slightest objection to taking up this proposition at the present time, but I think before the Senate disposes of any other business we ought to settle the question whether the unanimous-consent agreement, or alleged unanimous-consent agreement, which has been so much discussed was, in fact, a unanimous-consent agreement. We ought to do that before we proceed with other business. Therefore I hope this motion will be voted down.

Mr. GALLINGER. It is not debatable.

The PRESIDENT pro tempore. The matter is not debatable.

Mr. CUMMINS. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa will state it.

Mr. CUMMINS. If this motion prevails, what will be its effect upon the unfinished business—the proposed constitutional amendment?

The PRESIDENT pro tempore. The Chair is of the opinion that it would be displaced. It is not now the morning hour.

Mr. CUMMINS. I simply want Senators to understand, before voting upon the pending motion, that that will be its effect.

Mr. CURTIS. I do not understand that it displaces the unfinished business except for the time being, and a motion is in order at any time to take up a conference report.

The PRESIDENT pro tempore. That is true; but when it is made out of the morning hour any vote of the Senate to proceed to the consideration of any particular matter will cause what has theretofore been the unfinished business to be displaced.

Mr. WARREN. I want to inquire just how the unfinished business would be before us to the exclusion of other business. Would it come up at 2 o'clock or what hour to-day?

Mr. CUMMINS. It is on the theory that the unfinished business is now before the Senate.

The PRESIDENT pro tempore. It is now in order, but it has not been laid before the Senate.

Mr. CURTIS. I suggest that the motion be withdrawn and the unfinished business be laid before the Senate and then temporarily laid aside. It was not my purpose to interfere with the unfinished business. I ask the consent of the Senate that that be done.

Mr. PENROSE. Let the unfinished business be laid before the Senate.



The PRESIDENT pro tempore. That can be done.

Mr. CURTIS. I ask unanimous consent, then, to withdraw the request for the time being, with the understanding that the unfinished business will be laid aside. I will then renew my motion.

Mr. CUMMINS. I ask that the unfinished business be laid before the Senate, if it is not automatically before the Senate.

The PRESIDENT pro tempore. It is the duty of the Chair to lay it before the Senate.

Mr. STONE. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Missouri will state it.

Mr. STONE. The Senator from Kansas withdraws his motion. That does not give him any right to the floor thereafter?

The PRESIDENT pro tempore. None whatever.

Mr. STONE. I move to temporarily lay aside the unfinished business.

The PRESIDENT pro tempore. The unfinished business must first be laid before the Senate, and then a motion to lay it aside will be in order. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CUMMINS. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Iowa asks that the unfinished business be temporarily laid aside. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CURTIS. I move that the Senate proceed to the consideration of the conference report on the loan-shark bill.

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate now proceed to the consideration of the conference report on House bill 8768.

Mr. SMITH of Georgia. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Georgia. Is not the question which has been raised as to the procedure of the Senate in connection with whether unanimous consent had been given in the nature of a privileged question, which should be disposed of?

Mr. GALLINGER. It is not.

The PRESIDENT pro tempore. The Chair thinks not. Certainly not unless the time had arrived when it was to be acted upon. The question is on agreeing to the motion made by the Senator from Kansas [Mr. CURTIS]. [Putting the question.] The yeas appear to have it.

Mr. GALLINGER and Mr. CURTIS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce that my colleague [Mr. OVERMAN] is absent on account of sickness.

Mr. PERKINS (when his name was called). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. I transfer it to the junior Senator from Nevada [Mr. MASSEY] and will vote. I vote "yea."

The roll call was concluded.

Mr. O'GORMAN. I desire to announce that the Senator from West Virginia [Mr. CHILTON] is absent from the Chamber because of illness in his family.

Mr. BRYAN. I desire to announce that the junior Senator from Alabama [Mr. JOHNSTON] is detained from the Chamber on account of illness, and is paired with the Senator from New Mexico [Mr. FALL].

The result was announced—yeas 40, nays 14, as follows:

## YEAS—40.

Ashurst	Curtis	Martine, N. J.	Root
Bankhead	Dillingham	Myers	Sanders
Borah	Fletcher	O'Gorman	Simmons
Brandegee	Foster	Oliver	Smith, Ariz.
Brown	Gallinger	Page	Swanson
Bryan	Gronna	Penrose	Thornton
Catron	Johnson, Me.	Perkins	Tillman
Chamberlain	Jones	Perky	Warren
Clapp	Kenyon	Poin Dexter	Wetmore
Cummins	Lippitt	Pomerene	Works

## NAYS—14.

Bradley	Hitchcock	Shively	Townsend
Bristow	Kern	Smoot	Williams
Burton	Paynter	Stone	
Clarke, Ark.	Reed	Sutherland	

## NOT VOTING—40.

Bacon	Dixon	Johnston, Tex.	Overman
Bourne	du Pont	La Follette	Owen
Briggs	Fall	Lea	Percy
Burnham	Gamble	Lodge	Richardson
Chilton	Gardner	McCumber	Smith, Ga.
Clark, Wyo.	Gore	McLean	Smith, Md.
Crane	Guggenheim	Martin, Va.	Smith, Mich.
Crawford	Helskell	Massey	Smith, S. C.
Culberson	Jackson	Nelson	Stephenson
Cullom	Johnston, Ala.	Newlands	Watson

So the motion to proceed to the consideration of the conference report was agreed to.

Mr. CURTIS. Mr. President, the report has been read, and I ask for a vote on it, unless some explanation is asked.

Mr. President, the main point in dispute between the House and the Senate is whether or not the pawnbrokers doing business in the city of Washington should be included in this loan-shark bill and limited in their charge of interest to 12 per cent per annum. The Senate committee first took the ground that because of the fact that there was a separate law applying to pawnbrokers, the act of 1889, any amendment in reference to them as to the amount of interest which might be charged by them should be considered as an amendment to that law.

But the bill was amended and sent to conference, and after several meetings it was found that the managers could not reach an agreement unless the pawnbrokers were included; and so at last the Senate conferees gave in on that point, and this bill as it has been agreed to and reported to the Senate, and to which report the Senate is requested to accede, includes pawnbrokers, and hereafter it will not be lawful for them to charge more than 1 per cent a month, or 12 per cent per annum, upon their loans.

Under the existing law they are permitted to charge 3 per cent a month, or 36 per cent a year. It was discovered, as I stated before, that some of the loan sharks in this city were charging poor, unfortunate men and women as high as 372 per cent for the loan of money, and your committee, after a most careful consideration, concluded that this bill was the best method by which the loan sharks could be regulated and controlled. So they have reported it. I think I may safely say that when this question was presented to the committee the vote was unanimous, that rather than defeat the loan-shark bill the pawnbrokers should be included in it.

With this statement, unless some Senator wishes to ask a question, I ask for a vote upon the report.

Mr. JONES. I wish to ask the Senator from Kansas if the conference report preserves the other regulations now existing with reference to pawnbrokers except as to the rate.

Mr. CURTIS. That question was discussed in the conference. A majority of the conferees thought that it did cover them and that the existing law would apply, only changing the rate of interest which might be charged by the pawnbrokers.

Mr. TOWNSEND. Will the Senator yield for a question?

Mr. CURTIS. Certainly.

Mr. TOWNSEND. It has been reported to me that the commissioners and practically all of the civic societies here in the city of Washington are opposed to this bill, not because it puts the loan sharks out of business but because it will put the pawnbrokers out of business. I should like to ask the opinion of the Senator in reference to that statement.

Mr. CURTIS. I think that statement goes too far. It is true that representatives of a large number of organizations appeared before members of the committee and urged the committee not to consent that the pawnbrokers should be included, and asked if there was any legislation in regard to pawnbrokers that it should be applied to the existing law. But after considerable discussion and several meetings it was found that no agreement could be reached upon the loan-shark bill unless the pawnbrokers were included. Therefore the conferees on the part of the Senate consented to that, and their action was indorsed by a vote of the Committee on the District of Columbia.

Mr. TOWNSEND. Would it be a fact, as is charged, that this limitation to 1 per cent would result simply in a sale always of pledges, and that poor men, men who have very little property to put up as a pledge, would thus be denied a privilege which they claim is very dear to them?

Mr. CURTIS. There has been organized within a year in the District of Columbia a company that is now loaning money at 6 per cent, or rather 6 per cent discount, and the officers and managers of that company informed members of the committee that they are ready to continue loans at that rate. Some members of the committee thought that the interest charged by the pawnbrokers, where they had security, 36 per cent, was entirely too large. With this new company and others who are doing a loaning business, and with the information that the com-

mittee had in reference to business done by companies in New York, Chicago, Boston, and other large cities, it was believed those who desired small loans would be accommodated. This one company is now doing business and other companies can be organized, and money can be loaned here at 6 and 8 per cent; at any rate, at a lower rate than is permitted in this bill, which allows them to charge 12 per cent, or 1 per cent a month.

Mr. TOWNSEND. Does the new company to which the Senator refers loan money on personal property as security?

Mr. CURTIS. I understand they have made loans on personal property or even upon the notes of individual members of the family.

Mr. TOWNSEND. How do they differ from ordinary pawnbrokers?

Mr. CURTIS. I can not tell you that. I do not know about their security. The matter was brought to my attention a few days ago, but I did not inquire extensively into how they are doing business.

I ask for a vote, Mr. President, on the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

#### INTERSTATE SHIPMENT OF LIQUORS.

Mr. SMOOT. Mr. President, at the close of the session last evening the question of the unanimous-consent agreement to vote on Monday, January 20, 1913, at 3 o'clock upon the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases was under discussion, and I asked that it be resubmitted to the Senate and gave a short statement as to why it should be. I again, Mr. President, ask that that question be resubmitted to the Senate.

I wish to say, Mr. President, that the RECORD shows it was presented to the Senate in an unusual way. The Senator from Tennessee [Mr. SANDERS] did not ask unanimous consent for the consideration of the order. He simply stated, "I present the following," and then it was read by the Secretary of the Senate.

I heard the Presiding Officer make the statement, "Is there objection? The Chair hears none, and it is so ordered." I immediately rose to my feet and addressed the Chair, but his attention was drawn to the other side of the Chamber, and he recognized the Senator from Oklahoma [Mr. OWEN]. I rose for the purpose of objecting and giving my reasons why. I have already stated to the Senate how it happened. I was in the Senate at the time the unanimous consent was passed upon, and before any other business had been attended to I addressed the Chair.

Mr. President, under the circumstances I ask that the question be resubmitted to the Senate.

Mr. CLAPP. Mr. President, I desire to say in connection with this matter that it seems to me the Senate is establishing a very dangerous precedent in opening the door to a means by which a majority of the Senate at any time can practically nullify a unanimous-consent rule. It has been urged, I do not know whether on the floor of the Senate, that if this order stands there are Senators who will disregard it. I think that possible danger of far less importance to the Senate than the step it is proposed to take, which would open a way to set aside a unanimous-consent agreement.

It happened yesterday morning that I came into the Senate. The President pro tempore had to take charge at 1 o'clock of the impeachment proceedings, and he usually has some one occupy the chair while he secures a lunch. He happened to ask me to occupy the chair. It is needless to say that I knew nothing whatever of any proposed unanimous-consent request, but upon taking the chair the Senator from Tennessee sent the request to the desk. The Chair directed the reading of the request, which the Secretary did, announcing in the reading that the Senator from Tennessee was asking for unanimous consent.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. CLAPP. Certainly; with pleasure.

Mr. SMOOT. I think that statement is absolutely correct; but the Senator from Minnesota, who was the Presiding Officer at the time, will remember that he made this statement:

Let the Chair say a word. There is too much confusion in the Senate. This unanimous-consent offer was made, was read very clearly and with great deliberation by the Secretary, and stated with deliberation by the Chair. The trouble is there is too much confusion in the Chamber.

Mr. CLAPP. I will reach that in chronological order in my statement. I think those who were in the Senate yesterday morning when this unanimous consent was asked for will bear

out that the Secretary of the Senate read it with care and with deliberation. The request or suggestion as to whether there was objection was made with much more deliberation than some requests which have been submitted to-day. After the statement that the Chair heard no objection, there was a pause and then the usual order, "It is so ordered." After that the Senator from Utah addressed the Chair; but the Chair did not see him, and recognized the Senator from Oklahoma. Upon the completion of the business proposed by the Senator from Oklahoma, the Senator from Utah obtained the floor and asked whether the Senate had been considering a request for unanimous consent, and was advised that it had just passed upon that kind of a request. The Senator then suggested a reconsideration of the vote. The Chair held that there could be no reconsideration of a vote fixing a unanimous consent; that an agreement for unanimous consent could not be changed, modified, or set aside even by unanimous consent after it was made. The rule for that has already been stated by the Senator from Massachusetts [Mr. LODGE], and requires, it seems to me, at my hands no discussion.

Subsequently, and I might say generally, if I may be permitted to say it without a seeming reflection, the Chair stated that there was too much confusion. There is too much confusion too often upon the floor of the Senate. If the Senator from Utah had suggested, or if it had been suggested to the Chair at that time that he resubmit the question, a different question might have been presented. The controversy, and no one was to blame for that, turned at once upon the right of the Senate to deal with a unanimous-consent agreement after it had been made. After that question had been discussed pro and con for some time, then the suggestion was made that the subject matter be resubmitted to the Senate.

Now, Senators, this is simply my own view—every man is entitled to his own; every man can settle these questions for himself—but it seems to me that if this unanimous-consent agreement can be set aside, not by a direct vote to reconsider it, not by a vote to set it aside, but upon the plea that it was not in fact adopted, you are establishing a very dangerous precedent; you are getting into a twilight zone where there is no well-defined line that can be laid down either by the Senate or by the Presiding Officer.

I do not know that anyone has questioned the fairness of the matter. It is a matter I do not care to discuss. I say again that the then occupant of the chair had no suggestion that the Senator from Tennessee was going to submit a request, nor did he know what the request was until it was read from the desk, and then the Chair proceeded with deliberation. Clearly no one could claim that he was taken by surprise or that any advantage was taken of him.

I want to say again, it appears to me that if by this means, in this instance, while it may seem perhaps a hardship, although it is not a vote, it is not decisive of anything except that some day the Senate will vote upon a measure, if a unanimous-consent agreement can be set aside upon this ground we are making a precedent and opening a dangerous pathway to the modification and setting aside of unanimous-consent agreements. For one I shall feel constrained to vote against resubmitting this matter to the Senate.

Mr. LODGE. Mr. President, I am in sympathy with the objects and purposes of this bill. If I had been here yesterday, I should have made no objection whatever to the unanimous-consent agreement.

I venture to take the floor for a few moments because there seems to be much more involved here than anything affecting a single measure. The business of the Senate is largely transacted through unanimous-consent agreements, not only the important unanimous-consent agreements which are reached often with much difficulty on large and generally contested measures, but constantly on all the small business of the Senate we depend on unanimous consent to enable us to transact the public business. We do it in executive session, and we do it in legislative session. We have never put any restraint upon it. We have never fixed any time, as is done in the House, when a unanimous-consent agreement can be asked.

Now, Mr. President, it seems to me, after listening to the debate on this subject, as if there was more or less misconception, misapprehension perhaps, on the part of some Senators as to the nature of a unanimous-consent agreement. It has no recognition in the rules at all. It is no more within the control of the Chair than the maintenance of a pair is in the control of the Chair. The chair when occupied by Mr. Frye, who was high authority, stated the position of the Chair, once for all, that he had no power to enforce a unanimous-consent agreement any more than he had power to enforce a pair. A unanimous-consent agreement is something that rests abso-



lutely and entirely on the will and the good faith of Senators themselves, just like a pair.

If any number of Senators choose, or if one Senator chooses, to say that any unanimous consent was improperly obtained, that there never was a unanimous consent, and a Senator declines to observe it, there is no power on earth that can prevent his taking the floor and carrying that unanimous consent over so that it becomes void and of no effect.

Therefore, Mr. President, I have always felt since I have been in the Senate the greatest anxiety that we should preserve, in the first place, most absolutely unanimous-consent agreements, without modification, without amendment. They certainly can not be reconsidered; they can not be modified. I do not think that they can be vacated by another unanimous consent, unless you can be assured that every Senator who consented was present when the original unanimous consent was asked to be vacated, and that is practically out of the question. I do not believe there is anyone in the Senate who has more strongly felt the importance for the transaction of the Senate business that unanimous-consent agreement should be most strictly observed than I have.

I agree with the Senator from Minnesota [Mr. CLAPP] that it would be a very dangerous precedent to establish if we should set aside unanimous-consent agreement in any way. I have no doubt of the right of the Chair to resubmit it. I have very grave doubt as to whether we can order its resubmission by a vote of the Senate.

As to the Chair's right to resubmit, it has been done again and again. I regret that the Senator from New Hampshire [Mr. GALLINGER], who has had a longer experience than almost any other Senator in this body, who is an experienced parliamentarian, should, as I see by the Record, differ with me on that practice.

The present occupant of the chair agreed with me about it, and I think there is no question as to the fact. Of course this is all a matter of practice. There is no rule to guide us. But where the Chair saw that any Senator had not had an opportunity to make objection, had not been recognized, I do not think any occupant of the chair has ever hesitated to resubmit a unanimous-consent request.

Mr. President, within the memory of living men, I have seen a motion made by the Senator from Texas and in the course of discussion lost sight of, and another motion offered and submitted by the Chair, and on his attention being called to the fact that the original motion had been overlooked he acknowledged the oversight and submitted the original motion.

Nobody can occupy that chair, and in the confusion which often happens on the floor, fail to occasionally overlook some Senator who rises for the purpose of objection or make some slight mistake about the order of motions; and it is impossible to suppose that the Chair is not to have the right and has not the right to resubmit, as he has the right to submit, if he is satisfied in his own mind that any Senator present and on the floor has been by his action deprived of his undoubted right and power to give assent.

Admitting, Mr. President, the danger of establishing a precedent by modifying a unanimous-consent agreement, there is also another danger which I think equally great and which I think should be just as much guarded against if we wish to preserve, as I do, unanimous-consent agreements as essential to the transaction of the business. The idea must never for a moment be allowed that a unanimous-consent agreement was passed by mistake or error, was a snap judgment, or that any Senator who was present on the floor was deprived of his opportunity to give or withhold his assent.

I was not present yesterday, and I speak only from what appears in the Record. It appears by the Record that an order was sent by the Senator from Tennessee [Mr. SANDERS] to the desk. In somewhat long experience here no doubt there may have been many such, but I do not recall an instance of a Senator seeking a unanimous-consent agreement and not asking for it himself. The Senator in charge of the bill or the Senator interested in the bill, great or small, makes the request himself. If he chooses, as he has an undoubted right to do, to put his unanimous-consent request in the form of an order, it comes in undoubtedly in order under the last subject in the call of morning business; that is, concurrent and other resolutions.

This was offered, I see by examining the Record, during the order of the introduction of bills. It was sent to the desk without any remark being made by the Senator from Tennessee, and he was not bound to make any remark. It was then read from the desk.

Mr. SMITH of Georgia. I wish to ask the Senator if it is not the custom whenever a request for unanimous consent is

made to call attention to it from the floor and to explain it before it is sent to the desk?

Mr. LODGE. Mr. President, it is never safe to indulge in a universal negative, but I do not recall an instance of a unanimous-consent agreement being asked for that was not asked for from the floor, and usually the unanimous-consent agreement is asked for and is put in form by the clerks at the desk. I do not say that except to show that the method, although absolutely legitimate, was not usual.

Mr. BRANDEGEE. Mr. President, will the Senator let me ask him a question there?

Mr. LODGE. Certainly.

Mr. BRANDEGEE. I read the Record, as the Senator from Massachusetts has done, and I note that the order was sent to the desk and was reported by the Secretary, and I do not think, if my memory serves me, that even the request for the present consideration of it at that time was asked for.

Mr. SMITH of Georgia. It was not.

Mr. LODGE. It was not. Of course it was out of order at that time, except by unanimous consent. There was no request made for its consideration at that time.

Mr. SMITH of Georgia. Ought there not to have been a request for the suspension of the regular order to admit it, and—

Mr. LODGE. Mr. President—

Mr. SMITH of Georgia. Just let me finish the question. And had not the Senators on the floor the right to suppose that nothing but new bills would be read, unless the order of business was suspended?

Mr. LODGE. Strictly speaking, under that order of the introduction of bills, of course nothing but the introduction of bills is in order, and, strictly speaking, the request for consideration was the proper step to take. But it is only fair to say that unanimous-consent agreements are habitually asked for at all times during a session.

My point is that there was neither a request for its present consideration nor was the unanimous consent asked for; but an order was sent to the desk containing a request for unanimous consent. It was laid before the Senate by the Chair without, as I recall, asking whether there was objection to its consideration at that time.

Mr. GALLINGER. That is never asked, and never was asked.

Mr. LODGE. Well, I think it is pretty hard to indulge in such absolute statements as that it was never asked. I have been here some time and I have heard it asked a great many times. I have heard it asked from the Chair over and over again, "Is there objection to consideration at this time?" I should be inclined to think my friend from New Hampshire had made that inquiry from the Chair himself a good many times.

Mr. GALLINGER. If the Senator will permit me, I will say that I never knew an instance where, when a unanimous-consent agreement was proposed, the Chair asked whether or not it would be allowed to be considered, and I—

Mr. LODGE. Mr. President, my point is that unanimous consent was not proposed.

Mr. GALLINGER. Well, of course, the Senator and I differ on that, and I will state my views after he gets through.

Mr. LODGE. Well, it was not proposed according to the Record. Of course, I was not here, and I can only quote the Record.

Mr. WILLIAMS. Will the Senator from Massachusetts pardon me just a moment?

Mr. LODGE. Certainly.

Mr. WILLIAMS. I find here just below where the Secretary read the request for unanimous consent that the Presiding Officer said:

Is there objection to the request of the Senator from Tennessee? The Chair hears none.

Mr. LODGE. That is not what I am referring to. I am referring to a request for its consideration out of order. Strictly speaking it was not in order at all then. Nothing was in order at that time but the introduction of bills.

Mr. GALLINGER. Will the Senator from Massachusetts permit me to interrupt him?

Mr. LODGE. Certainly.

Mr. GALLINGER. A motion to proceed to the consideration of any bill on the calendar would have been in order.

Mr. LODGE. Certainly if it was made; but my point is that it was not made.

Mr. GALLINGER. Unanimous-consent agreements have been asked at any stage of our proceedings.

Mr. LODGE. So I have said.

Mr. GALLINGER. To my knowledge for 21 years I never heard the question raised before that such requests were out of order.

Mr. LODGE. Mr. President, I said that it was habitual to ask unanimous consent at any stage of the proceedings in the Senate, but not strictly under the rules. I do not think, however, it can be disputed that no business is in order during the time for the introduction of bills except the introduction of bills. If other business is offered, it must be by motion or request.

If a Senator reports a bill from a committee and asks unanimous consent for its immediate consideration, the Chair always first asks the Senate if they will give consent to the consideration of the bill at that time, and that it is a unanimous consent that is being asked for. In this case the order was read. The Presiding Officer then made the usual inquiry:

Is there objection to the request of the Senator from Tennessee? The Chair hears none. It is so ordered.

And then I see the Senator from Utah [Mr. SMOOT] addressed the Chair and said: "Mr. President," and Mr. OWEN was recognized. That is all that the RECORD discloses.

Mr. President, the point that is made by the Senator from Utah is that he failed to get recognition from the Chair when he was entitled to it; that his consent was never given; that he was on the floor; that he tried to get recognition and failed; and that he has been deprived of his right of withholding or giving his consent. Other Senators who were present at the time, I find by reading over the debate, arose in their places and said they did not consider themselves bound by the unanimous consent just given. That is the point on which I wish to lay stress. The whole virtue and merit of the unanimous-consent agreements, the qualification without which it can not continue, is that all Senators shall admit that they are fairly and properly given and shall feel themselves bound by them. If Senators do not feel themselves bound by a unanimous-consent agreement, it makes no matter what the Senate does, the unanimous consent given falls to the ground.

Mr. POMERENE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I do.

Mr. POMERENE. May I call the Senator's attention to the fact that the RECORD shows that the Senator from Utah was the first Senator to address the Chair immediately following the reading of the unanimous-consent agreement?

Mr. LODGE. That is what I intended to point out.

Mr. WILLIAMS. Ah, but, Mr. President, if the Senator from Massachusetts will pardon just one interruption, the Senator from Ohio [Mr. POMERENE] has made a mistake in his statement.

Mr. LODGE. No; he has not.

Mr. WILLIAMS. The Senator from Utah did not rise immediately after the reading. The Senator from Utah rose after the Chair had put the request and had decided that there was no objection.

Mr. LODGE. Unquestionably; there is no doubt about it.

Mr. WILLIAMS. Which is a totally different thing.

Mr. LODGE. Undoubtedly.

Mr. WILLIAMS. But the Senator from Ohio said that the Senator from Utah arose immediately after the Secretary had read the statement.

Mr. LODGE. Oh, no; he arose immediately after the words "It is so ordered" had been spoken.

Mr. WORKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. Yes.

Mr. WORKS. I desire, in justice to the position which is taken by the Senator from Utah, to confirm from my own knowledge and recollection just what the facts were. I was sitting very near the Senator from Utah and was paying attention to what was going on. I was looking and listening for an objection to be made to the consideration of this order, and I am able to say of my own knowledge that the Senator from Utah did address the Chair first, but the attention of the Chair was directed to the Senator from Oklahoma [Mr. OWEN] and he was recognized; but, as a matter of fact, the Senator from Utah did first address the Chair, and addressed him twice or three times, and loudly; I might say rather frantically.

Mr. LODGE. Well, Mr. President, that confirms the testimony of the RECORD.

Mr. President, I would say, as one who is in sympathy with the bill and who would not have objected to the unanimous-consent agreement, that I think it is a very unfortunate thing, however our opinions may differ as to questions of practice

involved, to have a unanimous-consent agreement in regard to which any considerable number of Senators, or any number, great or small, feel that it was not properly obtained. I do not mean by improper methods, but I mean that they feel that it was not obtained with the consent of those whose consent was necessary. The question involved here is, whether that consent exists; not whether it shall be held. Nobody can hold it; there is no power to compel Senators to obey that unanimous-consent agreement. It all rests on our own good faith and our own adhesion to the rules of the Senate; and it would be just as unfortunate, in my mind, to force a unanimous-consent agreement about which there was any doubt or about which Senators felt that they had not been fairly treated—it would be just as bad as to tamper with or modify or try to upset a unanimous-consent agreement fairly and properly obtained. I think one would be just as prejudicial to our system of unanimous-consent agreements as would the other.

I do not want to see in the Senate what I think will be very likely to grow out of this—some strict limitation put upon obtaining unanimous-consent agreements as used to be done in the other House. I can not speak of their rules at present; but I think they have, certainly they formerly had, set times when unanimous consents could be asked, and they could not be asked for at other times. I do not want to see those restrictions put upon the Senate. I think it is one of the great merits and advantages of this body that we have so much freedom and latitude, but the price we must pay for it is a very careful observance of all the necessary conditions to make a unanimous-consent agreement consented to by everybody.

Mr. President, I may differ with other Senators on this point, but I do not think the Senate has power to compel the resubmission of the question by vote. Unless provided for in the rules, as in the case of messages and conference reports, I think the matter of resubmitting a question to the Senate is one that must rest within the discretion of the Chair. Of course, it is in the power of any number of Senators or of any Senator to reduce this unanimous-consent agreement to nothing. It exists only by the willingness of Senators; it has no other power, no other strength. It is for that reason that I sincerely hope that those who are interested in preserving the unanimous-consent agreement will see that a unanimous consent about which Senators feel, as many Senators obviously do feel in this case, may be perfectly worthless, and in any event would establish a precedent which would make it infinitely more difficult to obtain other unanimous-consent agreements and might throw a cloud over the whole system and lead to restrictions which, I think, would be most unfortunate.

I am not speaking, Mr. President, in the least in the interest of this bill or against it. As I have twice before said, I sympathize with the purposes of the bill. I should have agreed to the unanimous consent; but I do feel deeply about the importance of preserving the system of unanimous-consent agreements, so that on the one hand every Senator shall realize, when once they have been properly obtained, that they can not be modified or tampered with or affected by anybody or in any way; and on the other hand that they shall always be obtained in such manner that no Senator who was present can question the fact that his consent was obtained.

Mr. GALLINGER. Mr. President, I had not intended to say another word about this matter, but the rather extraordinary speech of the Senator from Massachusetts [Mr. LODGE] leads me to make an observation or two.

The Senator from Massachusetts made rather an adroit argument, but I think it is founded entirely on false principles. Before proceeding, however, Mr. President, I will ask what is before the Senate? I was out of the Chamber when this discussion commenced.

The PRESIDENT pro tempore. The Chair does not recall whether or not the Senator from Utah [Mr. SMOOT] made a distinct motion, as there was so much confusion in the Chamber at the time. The Chair would inquire of the Senator from Utah—

Mr. WILLIAMS. Mr. President, what has become of the point of order which I made yesterday and which was pending when we then adjourned?

The PRESIDENT pro tempore. The matter has been renewed this morning. No motion which was then pending—

Mr. WILLIAMS. Ah, but there was a point of order which I made which was pending. The point of order was distinctly made.

The PRESIDENT pro tempore. The whole proceeding fell with the adjournment of the Senate. It was not the unfinished business.

Mr. WILLIAMS. Very well. I will renew the point of order in a moment.



Mr. GALLINGER. That was my understanding, Mr. President, and it was for that reason that I asked what was before the Senate before proceeding with my remarks.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Utah whether or not he made any distinct motion?

Mr. SMOOT. I did not put it in the form of a motion, but I asked that the question of unanimous consent be resubmitted to the Senate.

Mr. WILLIAMS. Now, Mr. President, without going into details, I renew the point of order which I made yesterday.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield the floor for that purpose?

Mr. GALLINGER. I do not yield the floor; no.

The PRESIDENT pro tempore. The Senator from New Hampshire will proceed, then.

Mr. GALLINGER. Mr. President, it is an extraordinary proposition that, after a matter is settled, in one day thereafter the Presiding Officer can resubmit the question. If it can be done one day afterwards, it can be done a month afterwards. We might have a unanimous-consent agreement standing on our calendar, and one week or two weeks or three weeks afterwards some Senator might find fault and state that it got there improperly, and ask the Chair to resubmit it. I think it is a very extraordinary proposition, and, in my judgment, it can not properly be done.

Mr. President, I will turn to the RECORD concerning the procedure in this instance. It is idle for Senators to argue that a unanimous-consent agreement can not be asked for during the morning hour. During 21 years I have seen it done time and time again; and this is the first occasion it has ever been called in question, so that I assume that the time was opportune and the procedure correct. The Senator from Tennessee had, I think, on three former occasions—I will ask him how many times?

Mr. SANDERS. Three times. The Senator is correct.

Mr. GALLINGER. On three former occasions asked for this unanimous consent, and it had been refused. On yesterday, again, the Senator from Tennessee rose in his seat—it is not necessary that a Senator should read a resolution he is going to offer or an order that he is going to offer or a request he is going to make, the Secretary has got to receive it anyway—and sent to the Chair this paper. I now read from the RECORD:

Mr. SANDERS. Mr. President, I offer the following.

The PRESIDING OFFICER (Mr. CLAPP in the chair). It will be read.

The SECRETARY. The Senator from Tennessee proposes the following unanimous-consent agreement:

So it was stated in distinct terms—the clerks at the desk speak very distinctly—that it was a unanimous-consent agreement. The unanimous-consent agreement was then read, and then the Presiding Officer, who likewise has a good voice, inquired:

Is there objection to the request of the Senator from Tennessee? The Chair hears none. It is so ordered.

Now, Mr. President, if that is not a unanimous-consent agreement that ought to stand, I never have known one that ought to have been given consideration by this body.

Mr. HITCHCOCK. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. HITCHCOCK. The Senator from New Hampshire calls attention to the fact that the Senator from Tennessee had on several previous occasions asked for the same unanimous-consent agreement. I call the Senator's attention to the fact that on all those previous occasions the Senator from Tennessee, having risen in his seat, specifically stated that he asked for a unanimous-consent agreement—

Mr. GALLINGER. That is sticking in the bark.

Mr. HITCHCOCK. Whereas in this case he made no such statement.

Mr. GALLINGER. But the Secretary did. I repeat, that is sticking in the bark, Mr. President; it does not amount to anything at all; it can be done in either one way or the other.

The Senator from Ohio [Mr. POMERENE] broke in to say that immediately upon the reading of this consent agreement the Senator from Utah addressed the Chair. Manifestly, the Senator from Utah did not. He did not address the Chair before the Chair's announcement had been made that there was no objection and that the order was agreed to.

Mr. POMERENE. Mr. President, if I may be permitted to interrupt the Senator—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. I yield to the Senator.

Mr. POMERENE. The matter which I wished especially to call to the attention of the Senator from Massachusetts at the

time I was on my feet was that the Senator from Utah was the first to address the Chair after the matter had been disposed of. I think I was not very happy in the expression which I used at the time.

Mr. STONE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. GALLINGER. I yield to the Senator from Missouri.

Mr. STONE. I thought the Senator was through.

Mr. GALLINGER. No; I am not through.

Mr. STONE. I desire, if the Senator will permit me, in connection with his remarks to have read a resolution which I intend to propose. He may address himself to it, if he cares to do so.

Mr. GALLINGER. I will yield for that purpose. Anything that will enlighten us on this subject I welcome.

Mr. STONE. I do not know whether it will enlighten the Senator, but it will serve to bring the matter to a head.

The PRESIDENT pro tempore. For the information of the Senate, the Secretary will read the resolution intended to be proposed by the Senator from Missouri.

The Secretary read as follows:

*Resolved*, That the order appearing in the RECORD of January 10, 1913, at page 1328, purporting to fix January 20, 1913, as a day for the consideration and disposition of S. 4043, as by unanimous consent, be, and the same hereby is, vacated and expunged from the RECORD, for the following reason: That the said order was not in fact made by unanimous consent, according to the usual practices of the Senate, and, therefore, was not properly entered in the RECORD.

Mr. LODGE. Mr. President, with regard to that resolution, ought it not to read "vacated and expunged from the RECORD and the Journal"?

Mr. STONE. Yes; let it be modified in that way.

Mr. GALLINGER. Mr. President, evidently some revolutionary tactics are to be resorted to now; and I want to give notice, in a very modest way, that if unanimous-consent agreements are to be treated in this manner there will be reprisals. It is very unusual to challenge the fairness and the correctness of a decision made by the Chair. I am not here to defend the distinguished Senator who then occupied the chair; but when it is said that this unanimous-consent agreement has been forced unfairly upon the Senate, it is a pretty serious charge, and had I been in the chair I certainly would resent it very warmly.

Mr. President, I have been here a good while; I have declined always to filibuster on bills; I have held to the opinion that the majority of this body ought to be given an opportunity to vote on every public measure. I have been solicited time and time again to join others in factious opposition to legislation, but I have not done so, and never will do so.

This bill has a history. I believe it was before the Senate prior to the present Congress. At any rate, it was introduced in the Senate during this Congress on December 21, 1911, more than one year ago. Senators have had it before them to consider. It was reported to the Senate on July 23, 1912, almost six months ago, and it has been on the calendar during that time. It is a bill of great public interest. True, there is a diversity of opinion about it. The liquor sellers and the liquor dealers, who have sent me vast volumes of literature on the subject, some of which has been very absurd, are against it; certain Senators are against it; and they have good reason, no doubt, for opposing it. On the other hand, there are a great many of our people in favor of this legislation. My own State has passed just such a law. We have a local option law in New Hampshire. A large proportion of towns and some of the cities have voted against licensing the liquor traffic. Immediately upon that law going into effect, the liquor houses in Boston flooded our no-license towns with liquor by express and otherwise. Our people thought it was a great wrong, and they passed a law a few years ago prohibiting that practice, and it is on the statute book to-day. It is proper that I should say that the liquor interests at the present time, while our legislature is in session, are making a strenuous effort to have that law repealed, but I do not think they will succeed.

The pending bill is in accord with that law. It provides that if a State shall, by its laws, prohibit the sale of liquor, it shall not have its territory invaded by parties outside of the State who are engaged in that traffic. It is a wholesome and proper provision, and I think for that reason the bill ought to pass.

We need not have any concealments about this matter, Mr. President. It is not intended that a vote shall be taken on this bill, in my judgment, and if this unanimous-consent agreement is set aside, no vote will be taken on this bill during this Congress.

My desire to see a vote on this measure, as I would desire to see a vote on any other measure of great public concern, is such that I hope no extraordinary procedure will be approved by the Senate, and I trust that the unanimous-consent agree-



ment, which is now printed on our calendar, will be allowed to stand. If it is not allowed to stand, there is nothing in the world to prevent me from taking a good deal of the time of the Senate in claiming that the other unanimous-consent agreement, which is here on the calendar, ought not to remain in force because I was not present when it was made.

I want further to say, Mr. President, that if a Senator who is here in the discharge of his duties neglects to hear an order which has been read and announced by the Secretary to be a unanimous-consent agreement and declared by the Presiding Officer as having been agreed to—if it is to be contended that because a Senator neglected to observe what was going on in the Chamber, he can protest against it and have a unanimous-consent agreement invalidated, there is no reason why I, if I had entered the door just at the conclusion of that agreement or a few moments afterwards, should not have arisen and said, "Mr. President, I was absent; I was in the lobby; I was in my committee room; but had I been present I would not have agreed to that unanimous-consent agreement, and I ask that it shall be resubmitted." Of course, resubmission carries with it the suggestion that it will not be agreed to.

I agree with the Senator from Massachusetts that it is important that we shall deal fairly with each other, and that in the matter of unanimous-consent agreements we shall be careful not to do anything that is irregular or that is contrary to our rules or that is unusual; but in this case I can not, for the life of me, see anything that was irregular, contrary to our rules, or unusual. The unanimous-consent agreement stands on our calendar, and, in my judgment, it would be a great mistake if it were stricken off, because if it should be, Mr. President, requests for unanimous consent will in the future be scanned more closely than they have been heretofore, and it will not be so easy to secure unanimous-consent agreements as it has been in the past. Many unanimous-consent agreements of which I did not approve have been made in my absence; but I have never thought it was my privilege to come in here 24 hours after or 24 seconds after they had been made and say that if I had been present I would have objected to them, and demand, or request, that they be resubmitted, so that I might have the privilege of objecting.

Mr. LODGE. Mr. President, I only desire to ask the Senator a question.

Mr. GALLINGER. I yield.

Mr. LODGE. The Senator does not think that I suggested that I was unfairly treated. I was absent from the Senate on a conference at the time the request was made.

Mr. GALLINGER. I so understood.

Mr. LODGE. And, of course, even if I had been against the unanimous-consent agreement, which I was not, I had no claim whatever, and there never has been any suggestion from anybody that a Senator who was absent from the Senate has any right to object to a unanimous-consent agreement.

Mr. GALLINGER. I did not charge that the Senator had made that suggestion. I made it on my own responsibility.

Mr. LODGE. I only said to the Senator that I did not suppose he included me in that suggestion.

Mr. GALLINGER. I certainly did not. Now, Mr. President, I do not think it is competent for the Senate to change this agreement; I do not think it is competent for the Chair to resubmit it, and I very gravely doubt whether or not a resolution such as the Senator from Missouri [Mr. STONE] proposes to offer ought to be entertained; but if it is entertained, I trust that it will not be agreed to by the Senate.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator from New Hampshire a question before he takes his seat. The RECORD shows that as soon as the Presiding Officer declared that he heard no objection to the request for unanimous consent, and that it was so ordered, the Senator from Utah was on his feet immediately.

Mr. SMITH of Georgia. In point of fact, he was on his feet before the announcement was concluded, was he not?

Mr. BRANDEGEE. As the Senator from Massachusetts [Mr. LODGE] said to the Senator from California [Mr. WORKS], that is additional corroboration of the RECORD and of my statement.

Mr. GALLINGER. The Senator from Connecticut is addressing me, so I am still entitled to the floor, I presume. If the Senator from Utah was on his feet at such an early stage, he certainly could have said "I object" as well as he could have said anything else, but he did not do so.

Mr. BRANDEGEE. Mr. President, I did not say that he was on his feet when the Chair made the announcement. What I say is that the RECORD shows that as soon as the Presiding Officer said that he heard no objection, and that the unanimous consent was ordered, immediately the next thing the

RECORD discloses is that the Senator from Utah addressed the Chair and said, "Mr. President." Now, what I want to ask the Senator from New Hampshire is: Supposing that the Chair had recognized the Senator from Utah, in accordance with his earnest request to be recognized, would, then, the Senator from New Hampshire say that the Chair could not have restated the question if the Senator from Utah had said that he wanted to object?

Mr. GALLINGER. Yesterday when the same question was put to me I stated, whether I would have been right or wrong, had I been in the chair I would not have resubmitted it.

Mr. POINDEXTER. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Washington.

Mr. POINDEXTER. I have in my hand the RECORD of the proceedings at that time, and it seems that some other distinct business intervened.

Mr. BRANDEGEE. Will the Senator cite the page?

Mr. POINDEXTER. Page 1324.

Mr. BRANDEGEE. Will the Senator proceed and state what intervened?

Mr. POINDEXTER. The Senator from Oklahoma [Mr. OWEN] introduced a bill to amend the Sherman antitrust law.

Mr. BRANDEGEE. The Senator is mistaken, I am quite sure.

Mr. SMITH of Georgia. That was because the Chair did not recognize the Senator from Utah. The RECORD shows that the Senator from Utah [Mr. SMOOT] said "Mr. President" first, and tried to get the ear of the Chair, and was on his feet; but the Chair looked over in this direction and recognized the Senator from Oklahoma. The Senator from Utah was on his feet and tried to be heard before the Chair finished his statement. The Senator from Utah not having heard the agreement, but hearing what the Chair was saying, was on his feet for recognition.

I expect to vote for the Kenyon bill, and I am willing to give consent that it shall be considered just as soon as possible, but it does not seem to me that there was clearly any unanimous-consent agreement in this case. I do not think there was any unanimous consent given in this case. I think the Chair was mistaken about it. The Senator from Utah was on his feet asking for recognition when the announcement was finished.

Mr. POINDEXTER, Mr. SMOOT, and others addressed the Chair.

Mr. BRANDEGEE. I am willing to yield to any Senator for a question, but I would like to conclude my statement, which is very brief.

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. He will proceed.

Mr. BRANDEGEE. Does the Senator from Washington wish me to yield to him further?

Mr. POINDEXTER. For just a moment, in order that I may complete the statement. The RECORD does show that before any objection was made by the Senator from Utah the intervening business took place. The RECORD shows that the Senator from Utah addressed the Chair. But he made no objection; he made no statement to the Chair as to what was his purpose.

Mr. SMOOT. I could not; I had not been recognized.

Mr. SMITH of Georgia. He did not have a chance.

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. Does the Senator yield?

Mr. SMOOT. Will the Senator yield to me for a moment?

Mr. BRANDEGEE. I will yield the floor if necessary, although I did want to conclude my statement.

Mr. SMOOT. Not at all. I can make my statement later.

Mr. BRANDEGEE. I do not claim that the Senator from Utah objected. The Senator from Washington has misapprehended me if he understood me so to claim. I do claim that the minute the Presiding Officer stated "It is so ordered"—I read from the RECORD—the next thing in the RECORD is:

Mr. SMOOT. Mr. President—

He did not object, because he was not recognized by the Chair and could not object.

Then the RECORD shows that the Senator from Oklahoma [Mr. OWEN] was recognized and introduced a bill. And then, within three lines, Mr. SMOOT came right back and he asked—

Was there a unanimous-consent agreement just entered?

The PRESIDENT pro tempore. There was; just agreed to.

Mr. SMOOT. I know that there are a number of Senators out of the Chamber.

And so forth.

Now, that shows that the Senator from Utah, immediately upon the announcement by the Chair that it had been agreed to, was addressing the Chair for the purpose of stating that he objected to it.

Of course, I assume that no one claims that the unanimous consent was obtained unfairly. I do not think it was. But I



think it was obtained in an unusual manner, and certain Senators think, inasmuch as it was obtained in a way so that Senators did not understand it, that it was not in fact a unanimous consent; that the minds of the Senators who were supposed to have consented to it never met, and that there was not in fact a unanimous consent, although the RECORD shows that it was agreed to.

Mr. WORKS. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from California.

Mr. WORKS. Only a short time ago I made the statement that I would not like the statement made by the Senator from Georgia [Mr. SMITH] to pass without challenge. The Senator from Utah did not address the Chair before the final order was made. But immediately after and before the Chair was addressed by the Senator from Oklahoma, he addressed the Chair. Those are the facts I am quite sure.

Mr. BRANDEGEE. The Senator is corroborated, as I recollect it, by the statement that the Senator from Utah [Mr. SMOOT] made yesterday, that at the time the Senator from Arkansas [Mr. CLARKE] had diverted his attention by addressing to him a question, and that as soon as his attention was called to the fact that this matter was on he tried to object and was not allowed to.

Mr. SMOOT. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Utah.

Mr. SMOOT. So that it will be perfectly clear I wish to say this: It is true that the Senator from Arkansas [Mr. CLARKE] was directing a question to me, and my attention was momentarily diverted, as I stated yesterday. The only words I heard the Presiding Officer say were, "The Chair hears none. It is so ordered." I did hear those words, and I knew that those words were only used in the case of a unanimous-consent agreement. I did not know what the unanimous-consent agreement was, but I knew there was one, and I immediately—after it was announced by the Chair, "It is so ordered"—I said: "Mr. President;" just as the Senator from California has stated.

Mr. BRANDEGEE. I have said, Mr. President, that while nobody claims that this consent was obtained unfairly, it was obtained under unusual circumstances.

It has been stated here that the Senator from Tennessee [Mr. SANDERS] had several times before made this same request, or a similar one; but that the conditions under which the requests were made before were entirely different from those at the time this request was granted. When the Senator made his request, before he stood in his place on the floor, as will appear on page 1256 of the RECORD, and stated as follows:

Mr. SANDERS. Mr. President—

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Petitions and memorials are in order. The Senator from Tennessee.

Mr. SANDERS. Mr. President, on last Monday I asked unanimous consent that the bill to prohibit interstate commerce in intoxicating liquors be taken up next Monday. Objection was made.

The Senator himself, standing in his place, goes on for the equivalent of 3 inches of space in the RECORD explaining what the matter was for which he asked present consideration and unanimous consent. Now, what happened yesterday was simply this:

Mr. SANDERS. Mr. President, I offer the following:

Then he sends the paper to the desk. He does not say, which is the usual custom at least, "Mr. President, I ask unanimous consent for the consideration of the following order which I send to the desk." He simply said, "I send the following—"

Mr. GALLINGER. Read what the Secretary said.

Mr. BRANDEGEE. And the Presiding Officer—

Mr. GALLINGER. No; read what the Secretary said.

Mr. BRANDEGEE. The Presiding Officer said:

The PRESIDING OFFICER (Mr. CLAPP in the chair). It will be read.

And then:

The SECRETARY. The Senator from Tennessee proposes the following unanimous-consent agreement.

If a Senator knows it to be a unanimous-consent agreement, stated by the Senator himself, it might excite his attention; but when the Senator does not say it is to be a unanimous-consent agreement, as he had done previously on other days, but simply sends the paper up, and a Senator sits here talking with another Senator, and here is the Secretary reading something, it seems to me that that procedure does not put Senators, who are supposed to give their positive and active consent to the proposition, upon their guard as the other course of procedure would tend to.

Yesterday I made the statement upon this question that it seemed to me that if the request for a resubmission of the unanimous-consent agreement had been made at once it ought to have been granted, but that I thought after eight hours had gone by it was late to grant it, because if it could be granted

after that interval of time had elapsed there was no limit at the end of which it might not be granted. But on thinking the matter over and recalling the circumstances of yesterday's proceedings, it appears that the entire hour between the time the unanimous consent had been agreed to and the time the Impeachment Court came in at 1 o'clock was occupied by the Senator from Utah in attempting to enforce his right to make objection to this request. Then he was swept off his feet by the previous order of the Senate as to the impeachment proceedings, and as soon as the Impeachment Court adjourned for the day he took it up again, and for the whole day labored to obtain what, upon such attention as I have been able to give to it, was, I think, the right of any Senator, if we are all to treat each other fairly and if unanimous-consent agreements are really and in fact to be what they purport to be.

Mr. WILLIAMS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield?

Mr. BRANDEGEE. Certainly.

Mr. WILLIAMS. I should like to ask the Senator from Connecticut a question. The Senator says that it has become a sort of a custom for the Chair, when a Senator arises immediately after the Chair has announced a result like this and says he did not understand it, to resubmit the question. I want to ask the Senator if he ever knew a resubmission to be made under circumstances like those, except in the form of a request for unanimous consent itself? In other words, does not the Chair uniformly say, "The Senator from A. B., not having heard the matter just passed upon, the Chair will, without objection, resubmit it"? Did you ever know it to be done in any other way? And that very form is putting another request for unanimous consent in order to reverse a former one.

Mr. BRANDEGEE. Mr. President, even that was not done. Even that was not said by the Presiding Officer. He did not say, "The Chair will again submit this matter, if there is no objection," because it did not appear to the Chair that the Senator from Utah had risen to make an objection.

Mr. WILLIAMS. The Senator from Connecticut misunderstands me. I am talking not about this case but about cases where the Chair does resubmit. Did the Senator ever know the Chair to resubmit except in this form, "The Chair will, without objection, resubmit it," and the very phrase "without objection" is a request for unanimous consent. I ask the Senator if he ever knew it to be put in any other way? I never did.

Mr. BRANDEGEE. I do not remember at this minute a specific instance that I can now find in the RECORD, for I have no time to look up whether unanimous consents have been resubmitted in the past and, if they have, in what form of language they have been submitted by the Chair; but I do remember on all sorts of matters continuously in this Senate when the Chair has declared the Senate has acted this way or that way, and any Senator has doubted it or said he did not know what was the question the Senate was voting on and asked to have the question resubmitted to the Senate, it is universally done, and the Chair does not even ask the consent of the Senate. It is always said by the Chair, "The Chair will again state the question."

Mr. WILLIAMS. I do not remember ever having heard it put except that the Chair would, without objection, resubmit. Certainly the Chair would not have any right to do so of its own motion.

Mr. SMOOT. I simply want to suggest this—

Mr. BRANDEGEE. I yield to the Senator from Utah.

Mr. SMOOT. The Chair has not yet had a chance to say that he will resubmit it to the Senate, because it has been discussed here every minute that there has been a chance to discuss it from the time I first arose until the present time.

Mr. BRANDEGEE. I think, Mr. President, very justly so, because I agree with the Senator from Massachusetts and the Senator from New Hampshire that entirely irrespective of the bill about which the unanimous-consent agreement was had it involves the possibility of the transaction of business by the Senate in its whole future, for almost all the business that is crowded up here at the end of a busy session can only be put through by unanimous-consent agreements, and if they are to be played fast and loose with, as the Senator from New Hampshire says, we would be in chaos.

But this is a case which will be quoted as a precedent, no doubt, in the future. As I say, I would not, after Senators, some of whom had been on the floor and had agreed to the request for unanimous consent, had left the Chamber—I would not, after several hours had elapsed, or after a considerable period of time had elapsed, consent that one Senator might get up and ask to have the request resubmitted, because the Senator who had secured the consent may have left the city on a



train on the assumption that the bill or the matter about which the agreement was made would not be acted upon until the day agreed to, and would be acted upon then.

But this case seems to me to constitute an exception to anything that I have been familiar with. A Senator immediately gets upon his feet and addresses the Chair, as the Senator from California says, three or four times, and almost frantically, and fails to obtain recognition, and as soon as he can recur to it goes at it again, and the whole day yesterday, except the time taken by the impeachment proceedings, was consumed by that Senator in trying to get the matter resubmitted; and the same way to-day.

Now, the only reason I have made this statement is that I intend to vote, if the Chair submits to the Senate the question whether it will be resubmitted or not, to resubmit it; and I want to explain the change in my views on that subject, which had occurred since I expressed them yesterday.

Mr. CLARKE of Arkansas. Mr. President, I have listened with some attention to what has been said by Senators on this subject. In the light of all that has been said I am entirely convinced that this matter should be resubmitted to the Senate, for the simple and sole reason that it has been disclosed to my satisfaction—and that accords with my personal knowledge—that the Senator from Utah had it in mind to object to the unanimous consent which was asked, and that he was deprived of the opportunity without any fault of his own and while he was discharging his duties on this floor, and in a transaction to which I was a party.

I am in favor of some such legislation as the Kenyon bill, and I think the request preferred by the Senator from Tennessee was an entirely reasonable one and ought to be agreed to now, and I know he did nothing wrong either in the manner of making the application for unanimous consent or anything that transpired before or subsequent to it. It was just one of those cases where the unusual happened, and the Senator from Utah found himself at a disadvantage in consequence of it. Under the generous law of courtesy that prevails here he ought to be put back into the possession of his rights to be exercised as he would have exercised them had his duties not diverted him for a moment.

I think I see a purpose here not to consider this bill as promptly as it should be considered, but it will be considered, and it will be considered, too, without violating the proprieties of this Chamber in taking advantage of an order which has been entered when it would not have been made had fuller knowledge of what was going on and an opportunity to object been afforded.

I do not think we accomplish anything by undertaking to avail ourselves of snap judgment on anybody. There has never in my experience here been denied to a Senator the right to explain why he did not do this, that, or the other. Such an instance seldom arises. The exceptional instance has come now, when the Senator from Utah has stated that by an attempt to discharge his duties at the request of another Senator he was deprived of a right which he desired to exercise, and I happen to know personally that that statement is true, if it is necessary to support any statement which he might make. I do not believe it is. But I simply state that fact in order to emphasize the circumstances that this is not a unanimous-consent agreement. Nothing is unanimous consent until unanimously consented to, and that consent can not be given until everybody understands what he is consenting to. That state of facts does not exist.

So I think the proper thing for the Senate to do is to reopen the question, so that it will be just as it was when the Senator from Utah had his attention diverted. I think we will better conform to the general spirit of fairness which prevails in this Chamber by doing that. We can take our chances of getting a vote on this bill. Laws are written because they are laws and they are not laws because they are written. That axiom still exists. If it is right, public opinion will force its recognition, and no sort of indirection will prevent it here.

The law of courtesy and fairness that prevails here is the best protection we have in the discharge of our duty. We can do better under that régime or under that benign influence than we can do in any other way; and simply and solely because I know the Senator from Utah was deprived of the right he was entitled to exercise by circumstances over which he had no control I unite with those who say that the matter should be resubmitted at this time.

I want also to add that when the matter is submitted again, if the time limit proposed is too short, while some fair limit should be fixed, there ought to be a time fixed when a vote on the bill shall be taken.

Mr. WILLIAMS. Mr. President, I desire to make a point of order in regard to the matter offered by the Senator from Missouri. Upon yesterday—

The PRESIDENT pro tempore. The question before the Senate is that submitted by the Senator from Utah. The resolution of the Senator from Missouri was read for information. The question before the Senate is the request of the Senator from Utah that the application for unanimous consent be again submitted to the Senate.

Mr. WILLIAMS. Very well. Then I make the point of order against that request. The point of order is that a unanimous-consent agreement made by the Senate and declared by the Chair to have been made can not be repealed except by unanimous consent. I do not care to argue it. I argued it yesterday.

The PRESIDENT pro tempore. The Chair will state that there is no rule of the Senate in regard to unanimous-consent agreements. There is no rule which provides for a unanimous-consent agreement, nor is there any rule which provides in what way a unanimous-consent agreement may be set aside. It is not one of the rules of the Senate. It is simply a practice voluntarily pursued by the Senate, absolutely within the control of the Senate to observe and regard, or to disregard. It is entirely with the Senate, and not a matter of parliamentary law, nor is it a matter arising under the rules of the Senate.

Mr. WILLIAMS. Of course I do not contend that unanimous-consent agreements are under the rules of the Senate. There is just one thing that any body of men—whether a parliamentary body or a business body, or whether it is a voluntary or accidental meeting of three men—can do at all times, and that is unanimously to agree to do a certain thing. For that very reason no rule governs the question of unanimous consent. It is a mere question of common sense, and the common sense of it is that no body of men can ever be so helpless, so idiotic, as not to have the power to do a thing if all of them agree to do it.

If a majority of men can do a thing, a fortiori all of them can do it. It needed no rule to give the Senate the right to do a thing by unanimous consent, or to give to any other body of men the power by unanimous consent to do a thing within the purview of their jurisdiction, whatever it is.

The common sense of the situation, in the first place—not the rules at all—is that any body of men, including even the United States Senate, and that is putting it pretty strong, can unanimously consent to do a certain thing; and the second point is that, having unanimously agreed to do a certain thing, they can unanimously agree to undo it. The third proposition is that having unanimously agreed to do a thing, having pledged their honors to one another to do it, under the rule—and the rules have nothing to do with it, except that they admit the request for unanimous consent; that is all—that unanimous-consent agreement can not be set aside by any less force than that which created it, to wit, another unanimous-consent agreement.

Now, there are a dozen things that are submitted to the Chair and which are within the power of a body to transact which are provided for by no express rule. It would be stupid for a rule to say that the Senate could unanimously agree. Why should it say a thing that goes without saying? Any three of us meeting on the street corner could unanimously agree to leave the street corner, and then we could unanimously agree to go back to the street corner. So that what the Chair says about the rules has nothing in the world to do with it.

Now, one other thing. I have heard, not only in this body but in another several times, the Chair say: The Member from such-and-such a State or the Senator from such-and-such a State not having understood the question, the Chair will, without objection, resubmit it; but I have never heard the Chair resubmit a question upon the Chair's own volition without giving the body to which it was resubmitted the opportunity to set it aside in precisely the same way in which it had adopted it, to wit, by unanimous consent. The very language, "The Chair will, without objection, resubmit," is itself a request for unanimous consent.

Mr. GALLINGER. Mr. President, I desire to say that when I was interrogated, I think by the Senator from Connecticut, as to whether, had I been in the chair and the request to resubmit had been made, I would have acceded to it or not, and I said I would not, I meant to add, unless unanimous consent was given for that purpose.

I entirely agree with the Senator from Mississippi [Mr. WILLIAMS] that if there is no objection to a resubmission it may properly be made, but if the Chair of his own volition should resubmit a question of that kind, I think it would be not quite proper; and had the request been submitted to the Senate as to whether there was objection to resubmitting it, and had I been



in the Chamber I would have objected, and I presume there are 20 others probably who would have objected, too. So we would want to preserve our rights as well as the Senators on the other side desire to preserve theirs.

The PRESIDENT pro tempore. The request of the Senator from Utah is that the question shall be again submitted to the Senate as to whether unanimous consent shall be granted in this case. As has been previously stated, the present occupant of the chair was not in the chair when the matter now under discussion originated, and was not even in the Chamber; and for that reason, and for the additional reason, as has been stated on the floor, that it is something which is apt to make a precedent, the Chair prefers that it shall be decided by the Senate.

Therefore the Chair will submit to the Senate the question whether there shall be a resubmission on the ground that there has not been already obtained unanimous consent. The Chair will put it in the form of a question; those who are in favor of the Chair again submitting it will vote in the affirmative and those who are opposed in the negative. The Chair now puts the question: Those who are in favor of the Chair's resubmitting to the Senate the application for unanimous consent will say "aye"; those opposed "no."

Mr. KENYON. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Iowa asks for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Chair will state the question. As many as favor the direction to the Chair to resubmit the question to the Senate will vote "yea" as their names are called. Those who are opposed to such direction being given to the Chair will, as their names are called, answer "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. I notice that he is not in his seat. If he were present, I should vote "nay." As it is, I withhold my vote.

The roll call was concluded.

Mr. DUPONT (after having voted in the affirmative). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I will withdraw my vote. If he were present, as already indicated, I would vote "yea."

Mr. CURTIS. I was requested to announce that the junior Senator from Rhode Island [Mr. LIPPITT] is detained from the Senate on official business. I do not know how he would vote were he here.

Mr. SANDERS. The senior Senator from Tennessee [Mr. LEA] is detained from the Chamber in an unavoidable way.

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] is unavoidably absent on account of sickness.

Mr. BANKHEAD. My colleague [Mr. JOHNSTON of Alabama] is absent from the Chamber on account of illness.

Mr. KERN. I desire again to announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH] on account of a death in his family.

Mr. MYERS (after having voted in the negative). I ask if the Senator from Connecticut [Mr. MCLEAN] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. MYERS. I have a general pair with that Senator, and I therefore withdraw my vote.

The result was announced—yeas 40, nays 17, as follows:

## YEAS—40.

Bacon	Crane	Martine, N. J.	Simmons
Bankhead	Crawford	O'Gorman	Smith, Ariz.
Bourne	Cullom	Owen	Smith, Ga.
Bradley	Fletcher	Page	Smoot
Brandeggee	Foster	Paynter	Stone
Bristow	Helskell	Perky	Sutherland
Burton	Hitchcock	Pomerene	Thornton
Cañon	Kern	Reed	Tillman
Clark, Wyo.	La Follette	Root	Warren
Clarke, Ark.	Lodge	Shively	Wetmore

## NAYS—17.

Ashurst	Clapp	Jones	Swanson
Borah	Cummins	Kenyon	Townsend
Brown	Curtis	Martin, Va.	
Burnham	Gallinger	Poindexter	
Chamberlain	Gronna	Sanders	

## NOT VOTING—37.

Briggs	Gore	Massey	Smith, Md.
Bryan	Guggenheim	Myers	Smith, Mich.
Chilton	Jackson	Nelson	Smith, S. C.
Culbertson	Johnson, Me.	Newlands	Stephenson
Dillingham	Johnson, Ala.	Oliver	Watson
Dixon	Johnson, Tex.	Overman	Williams
du Pont	Lea	Penrose	Works
Fall	Lippitt	Percy	
Gamble	McCumber	Perkins	
Gardner	McLean	Richardson	

The PRESIDENT pro tempore. So the Chair is instructed by the Senate to submit the question again to the Senate which is involved in the request for unanimous consent sent to the desk by the Senator from Tennessee [Mr. SANDERS]. The Secretary will again read it.

The Secretary read as follows:

The Senator from Tennessee asks unanimous consent that on Monday, January 20, 1913, at 3 o'clock p. m., the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases be taken up for consideration, not to interfere with appropriation bills, and that the vote be taken on all amendments pending and amendments to be offered, and upon the bill itself, not later than the hour of 6 o'clock on that day.

The PRESIDENT pro tempore. Is there objection to the unanimous consent asked?

Mr. SMOOT. I object.

Mr. GALLINGER. The Senator from Utah objects?

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. GALLINGER. I ask unanimous consent that on Monday, February 10, 1913, at 3 o'clock p. m., the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases be taken up for consideration, not to interfere with appropriation bills, and that the vote be taken on all amendments pending and amendments to be offered, and upon the bill itself, not later than the hour of 6 o'clock on that day.

The PRESIDENT pro tempore. Unless it is desired that the request shall be read by the Secretary the Chair will put the question, Is there objection? The Chair hears none.

Mr. SUTHERLAND. What date was fixed?

Mr. GALLINGER. February 10. That is all right.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

## HOUSE BILL REFERRED.

H. R. 26874. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, was read twice by its title and referred to the Committee on Indian Affairs.

## CLAIMS OF DECEASED CIVILIAN EMPLOYEES (S. DOC. NO. 999).

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair) laid before the Senate a communication from the Secretary of the Treasury, recommending the enactment of legislation authorizing the payment, without administration, of amounts found due deceased civilian United States employees or their legal heirs, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

## PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented resolutions adopted by the Chamber of Commerce of Sumter, S. C., favoring the enactment of legislation prohibiting the manufacture and sale of pistols, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry patrons and teachers of the public schools of Louisiana, praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

Mr. MCLEAN presented a petition of the Court of Common Council of New London, Conn., praying for the repeal of that part of the act of August 24, 1912, relating to the appointment of cadets and cadet engineers, Revenue-Cutter Service, which was referred to the Committee on Appropriations.

Mr. GRONNA. I present a telegram in the nature of a memorial from members of the National Guard Association of my State, unanimously indorsing the Federal pay bill. I ask that the telegram be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the telegram was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

BISMARCK, N. DAK., January 10, 1913.

Senator A. J. GRONNA,  
Washington, D. C.:

Meeting of National Guard Association of North Dakota, assembled at Bismarck, composed of delegates from the guard of entire State, unanimously indorse the Federal pay bill, and respectfully request your earnest support to bring it to passage this session.

Lieut. THEODORE S. HENRY,  
Committee.

Mr. PERKINS presented a memorial of members of the German-American Alliance of Los Angeles, Cal., remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Santa Ana, Cal., remonstrating against the reduction of the duty on sugar, which was referred to the Committee on Finance.

Mr. NELSON presented a memorial of members of the Commercial Club of Moorhead, Minn., remonstrating against granting the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a resolution adopted by members of the Winona County Medical Society, of Winona, Minn., approving the work of the Post Office Department in diminishing the widespread evil of criminal abortion, which was referred to the Committee on Public Health and National Quarantine.

Mr. BRANDEGEE presented resolutions adopted by the Court of Common Council of New London, Conn., favoring the repeal of the act of August 24, 1912, relative to appointment of cadets or cadet engineers in the Revenue-Cutter Service, which were referred to the Committee on Appropriations.

#### REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 7785) confirming titles to Deborah A. Griffin and Mary F. Griffin, and for other purposes, reported it with amendments and submitted a report (No. 1096) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 25515. An act for the relief of Joshua H. Hutchinson (Rept. No. 1098);

H. R. 22437. An act for the relief of the heirs of Anna M. Toreson, deceased (Rept. No. 1099); and

S. 7294. A bill to amend sections 2380 and 2381, Revised Statutes of the United States (Rept. No. 1100).

#### NATIONAL AERODYNAMICAL LABORATORY.

Mr. REED. On the 9th instant I introduced a bill, being Senate bill 8053, to authorize the creation of a temporary commission to investigate and make recommendation as to the necessity or desirability of establishing a national aerodynamical laboratory and prescribing the duties of said commission, and providing for the expenses thereof. The bill is somewhat of an emergency matter, and I am informed that it was referred to the wrong committee. I ask unanimous consent that the Committee on Naval Affairs be discharged from the further consideration of the bill and that it be referred to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection it is so ordered.

#### CHOCTAW AND CHICKASAW INDIAN LANDS.

Mr. OWEN. From the Committee on Indian Affairs I make a unanimous report in favor of Senate joint resolution No. 149, extending the time for the survey, classification, and appraisal of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations in Oklahoma, and I submit a report (No. 1097) thereon. This measure was drawn by the Interior Department, and for the reasons explained in the letter of the Secretary of the Interior the committee has made a unanimous report in favor of it. It extends the time within which appraisal can be made, and it is necessary, because the time within which it could be made under a previous statute has expired. It is an important matter locally, will take only a few minutes, and give rise to no debate. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. Let it be read.

The PRESIDING OFFICER. It will be read.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 8074) granting an increase of pension to Esther B. Shultz (with accompanying paper); to the Committee on Pensions.

A bill (S. 8075) for the relief of Charles B. Boyce; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 8076) to authorize the Choctaw and Chickasaw Nations to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. CLAPP (for Mr. GAMBLE):

A bill (S. 8077) for the relief of the Turtle Mountain Chipewewa Indians, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 8078) granting an increase of pension to Marcellus B. Kent (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 8079) authorizing the Secretary of War, in his discretion, to deliver to the city of Grand Forks, in the State of North Dakota, one condemned cannon, with its carriage and outfit of cannon balls; and

A bill (S. 8080) authorizing the Secretary of War, in his discretion, to deliver to the city of Lakota, in the State of North Dakota, one condemned cannon, with its carriage and outfit of cannon balls; to the Committee on Military Affairs.

A bill (S. 8081) granting an increase of pension to Mary J. Swift (with accompanying papers); to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment proposing to appropriate \$40,751 for the support and education of 125 Indian pupils at the Fort Bidwell Indian School, Fort Bidwell, Cal., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$56,500 for the support and education of 100 Indian pupils at the Greenville Indian School, Greenville, Cal., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate \$150,000 for the improvement of roads in the Mount Rainier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$25,000 for a survey for the extension of the present road from its present terminus east to the eastern boundary line of the forest reserve surrounding the Mount Rainier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to pay the award of \$1,900 made by the Secretary of the Interior December 31, 1912, pursuant to the authority contained in the act approved July 6, 1912, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. ASHURST submitted an amendment proposing to appropriate \$25,000 for the construction of a bridge across the Colorado River from School Hill, on the Yuma Indian Reservation, Cal., to Penitentiary Hill, in the town of Yuma, Ariz., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$200,000 for surveying the land within the San Carlos or White Mountain, Fort Apache, and Mescalero Apache Indian Reservations in Arizona and New Mexico, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. WILLIAMS submitted an amendment proposing to appropriate \$5,000 for continuing the improvements of the Yazoo River, Miss., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

#### EULOGIES ON THE LATE VICE PRESIDENT.

Mr. ROOT submitted the following resolution (S. Res. 426), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on Rules be, and it is, directed to report to the Senate an order for suitable ceremonies in the Senate in honor of the memory of the late Vice President of the United States, JAMES S. SHERMAN.



## LIMITATION ON CHARGES TO JURIES.

Mr. TILLMAN. I ask unanimous consent for the consideration of the resolution I send to the desk, which is an order to print. The PRESIDING OFFICER. The resolution will be read. The Secretary read as follows:

That Senate bill No. 8007, Sixty-second Congress, third session, with the matter which accompanied its introduction, be printed as a Senate document.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. WILLIAMS. Reserving the right to object, I should like to know the nature of the matter to be printed.

Mr. TILLMAN. It is some papers accompanying the bill I introduced some days ago limiting the charges to juries by Federal judges.

Mr. WILLIAMS. I have no objection.

Mr. SMOOT. I ask to have the resolution read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 427), as follows:

Resolved, That the following matter be printed as a Senate document, namely:

1. Senate bill No. 8007, Sixty-second Congress, third session.
2. The letter of December 23, 1912, with its two inclosures, which accompanied the introduction of the said bill.
3. And a copy of the judicial records referred to in the petition, which, on December 23, 1912, was presented to the Supreme Court of the United States, the first of the two inclosures in the letter aforesaid being a copy of the said petition. A certified copy of the said records in printed form as presented to the court with the petition aforesaid, including a copy of the brief referred to in the said petition.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

## FARM CREDITS (S. DOC. NO. 1001).

Mr. CLARKE of Arkansas. I ask unanimous consent to have printed an article by Mr. John R. Dos Passos on the much-discussed subject of "Farm credits."

The PRESIDING OFFICER. The Senator from Arkansas asks for the printing as a public document of a paper the character of which he has stated. Without objection, it is so ordered.

## PENNSYLVANIA HEALTH BULLETIN (S. DOC. NO. 1000).

Mr. OWEN. I present a pamphlet outlining the organization of the State department of health of Pennsylvania, and also a copy of the mortality statistics of the years 1906 to 1911 of the State of Pennsylvania. I ask that the papers be printed as a Senate document and referred to the Committee on Public Health and National Quarantine.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INDEPENDENT HEALTH SERVICE (S. DOC. NO. 1002).

Mr. OWEN. I present a copy of the report of the Commission on Economy and Efficiency recommending the establishment of an independent health service. I ask that the report be printed as a Senate document and referred to the Committee on Public Health and National Quarantine.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SYSTEM OF RURAL COOPERATIVE CREDITS.

Mr. GRONNA. I ask that Senate Document No. 572, Sixty-second Congress, second session, being a general theory of cooperative credit in France and other foreign countries, prepared by Maurice Dufourmantelle and translated from the French by Pauline Carter Biddle, and also Senate Document No. 574, Sixty-second Congress, second session, being an outline of European cooperative credit systems from bulletins of economic and social intelligence, published by the International Institute of Agriculture, 1,000 copies each, be required for the use of the Senate.

Mr. SMOOT. I will say to the Senator that perhaps he can accomplish what he desires by giving an order on the Public Printer.

Mr. GRONNA. I have a great many requests for these documents.

Mr. SMOOT. If the cost of printing in each case will not amount to more than \$200, we can simply issue an order on the Public Printer to have them reprinted; but, of course, if the Senator would prefer to have his order entered it can be done in that way.

Mr. GRONNA. I prefer to have the request submitted.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and the order is entered.

## EULOGIES ON THE LATE REPRESENTATIVES MADISON AND MITCHELL.

Mr. CURTIS. I desire to give notice that on Saturday, February 8, 1913, I will ask the Senate to consider resolutions commemorative of the life, high character, and public services of Hon. EDMOND H. MADISON and Hon. A. C. MITCHELL, late Members of the House of Representatives from the State of Kansas.

## OMNIBUS CLAIMS BILL.

Mr. CRAWFORD. I desire to give notice that at the close of the morning business on Monday next I will ask the Senate to resume the consideration of the omnibus claims bill.

## HOUSE BILL REFERRED.

H. R. 27475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

## SAMOAN CLAIMS (H. DOC. NO. 1257).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

*To the Senate and the House of Representatives:*

I transmit herewith a report by the Secretary of State of the action taken by him in pursuance of the act of Congress approved June 23, 1910, authorizing and directing him to ascertain the "amounts due, if any, respectively, to American citizens on claims heretofore filed in the Department of State, growing out of the joint naval operations of the United States and Great Britain in and about the town of Apia in the Samoan Islands, in the months of March, April, and May, 1899, \* \* \* and report the same to Congress."

Accompanying the report of the Secretary of State is the report of the officer who, pursuant to the Secretary's direction, visited the Samoan Islands for the purpose of collecting evidence regarding the claims mentioned. Of the total amount of American claims, of about \$64,677.88, payment of \$14,811.42 is recommended by the agent. This finding is approved by the Secretary of State, who submits for the consideration of Congress the question of an immediate appropriation for the payment of the claims recommended.

WM. H. TAFT.

THE WHITE HOUSE, January 10, 1913.

## FRANCHISES IN PORTO RICO (H. DOC. NO. 1256).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Pacific Islands and Porto Rico and ordered to be printed:

*To the Senate and House of Representatives:*

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat., 715).

WM. H. TAFT.

THE WHITE HOUSE, January 10, 1913.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, January 13, 1913, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate January 11, 1913.*

## MINISTER AND CONSUL GENERAL.

Fred R. Moore, of New York, to be minister resident and consul general of the United States at Monrovia, Liberia, vice William D. Crum, deceased.

## CHIEF JUSTICE OF THE COURT OF CLAIMS.

Fenton W. Booth, of Illinois, to be chief justice of the Court of Claims, commencing February 12, 1913, vice Stanton J. Peelle, whose resignation has been accepted to take effect at the close of February 11, 1913.

## JUDGE OF THE COURT OF CLAIMS.

Henry S. Boutell, of Illinois, to be judge of the Court of Claims, commencing February 12, 1913, vice Fenton W. Booth, nominated to be chief justice of said court.

## JUDGES OF THE CIRCUIT COURT OF HAWAII.

John A. Matthewman, of Hawaii, to be judge of the Circuit Court of the Third Circuit of the Territory of Hawaii. A reappointment, his term expiring January 6, 1913.

Charles F. Parsons, of Hawaii, to be judge of the Circuit Court of the Fourth Circuit of the Territory of Hawaii. A reappointment, his term expiring January 6, 1913.

## UNITED STATES MARSHALS.

Henry K. Love, of Alaska, to be United States marshal for the District of Alaska, Division No. 4. A reappointment, his term expiring January 12, 1913.

George F. White, of Georgia, to be United States marshal, southern district of Georgia. A reappointment, his term expiring January 20, 1913.

## RECEIVERS OF PUBLIC MONEYS.

James T. Farris, of Glasgow, Mont., to be receiver of public moneys at Glasgow, Mont., vice Walter Shanley, term expired and resigned.

Jesse W. Freeman, of Arkansas, to be receiver of public moneys at Harrison, Ark., his term expiring January 14, 1913. (Reappointment.)

## REAPPOINTMENT IN THE ARMY.

Brig. Gen. George H. Torney, Surgeon General, to be Surgeon General with the rank of brigadier general for the period of four years beginning January 14, 1913, with rank from January 14, 1909. His present appointment will expire January 13, 1913.

## APPOINTMENTS IN THE ARMY.

## CAVALRY ARM.

*To be second lieutenant with rank from November 30, 1912.*

Russell Brown Patterson, of New Hampshire.

## COAST ARTILLERY CORPS.

Harold Aron Strauss, ensign, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from January 2, 1913.

## INFANTRY ARM.

Robert H. Peck, late captain, Twenty-fourth Infantry, to be captain of Infantry with rank from January 8, 1913.

## CHAPLAIN.

Rev. Alva Jennings Brasted, of Iowa, to be chaplain with the rank of first lieutenant from January 3, 1913, vice Chaplain Albert J. Bader, Ninth Infantry, resigned September 16, 1912.

## MEDICAL RESERVE CORPS.

*To be first lieutenants with rank from December 28, 1912.*

Walter M. Brickner, of New York.

Charles Gilchrist Darling, of Illinois.

Carl Braden Davis, of Illinois.

George Gilbert Davis, of Illinois.

Edward Tyler Edgerly, of Iowa.

Thomas Alfred Fletcher, of Ohio.

Fielding Hudson Garrison, of the District of Columbia.

Leander Johnson Graves, of Alabama.

Edwin Richard Hodge, of the District of Columbia.

William Byrd Hunter, of West Virginia.

Ernest Edward Irons, of Illinois.

Isaac Dee Kelley, jr., of Missouri.

Orson Pope Kingsley, of Wyoming.

George Earl Orsborn, of Colorado.

Frank Ellis Pierce, of Illinois.

Louis Livingston Seaman, of New York.

James Cyrus Tucker, of Nebraska.

Russell Morse Wilder, of Illinois.

*To be first lieutenant with rank from December 30, 1912.*

Wilson Carlisle von Kessler, of Pennsylvania.

## PROMOTIONS IN THE ARMY.

## CAVALRY ARM.

Lieut. Col. Augustus P. Blocksom, Sixth Cavalry, to be colonel from January 1, 1913. (Under the provisions of an act of Congress approved March 3, 1911, for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm since the date of his entry into the arm to which he permanently belongs.)

## FIELD ARTILLERY ARM.

Lieut. Col. Samuel D. Sturgis, Third Field Artillery, to be colonel from December 27, 1912, vice Col. David J. Rumbough, First Field Artillery, who died December 26, 1912.

Maj. Edward F. McGlachlin, jr., Second Field Artillery, to be lieutenant colonel from December 27, 1912, vice Lieut. Col. Samuel D. Sturgis, Third Field Artillery, promoted.

Capt. Willard D. Newbill, Third Field Artillery, to be major from December 27, 1912, vice Maj. Edward F. McGlachlin, jr., Second Field Artillery, promoted.

## COAST ARTILLERY CORPS.

Second Lieut. Cary R. Wilson, Coast Artillery Corps, to be first lieutenant from December 15, 1912, vice First Lieut. Walter E. Donahue, resigned December 14, 1912.

## PROMOTIONS IN THE NAVY.

Passed Asst. Surg. James R. Dykes to be a surgeon in the Navy from the 2d day of September, 1912, to fill a vacancy.

Passed Asst. Paymaster Fred W. Holt to be a paymaster in the Navy from the 19th day of October, 1912, to fill a vacancy.

Asst. Civil Engineer Carl A. Bostrom, with rank of ensign, to be an assistant civil engineer in the Navy with rank of lieutenant (junior grade) from the 16th day of October, 1912.

Asst. Civil Engineer Ralph M. Warfield, with rank of ensign, to be an assistant civil engineer in the Navy with rank of lieutenant (junior grade) from the 3d day of December, 1912.

Second Lieut. Bernard L. Smith to be a first lieutenant in the Marine Corps from the 22d day of December, 1912, to fill a vacancy.

Asst. Paymaster Omar D. Conger to be a passed assistant paymaster in the Navy from the 22d day of August, 1912, to fill a vacancy.

Asst. Paymaster Spencer E. Dickinson to be a passed assistant paymaster in the Navy from the 23d day of August, 1912, to fill a vacancy.

Machinist Charles Allen to be a chief machinist in the Navy from the 27th day of December, 1912, upon the completion of six years' service as a machinist.

## MARINE CORPS.

First Lieut. William P. Upshur to be a captain in the Marine Corps from the 22d day of August, 1912, to fill a vacancy.

Second Lieut. Clarence E. Nutting to be a first lieutenant in the Marine Corps from the 5th day of October, 1912, to fill a vacancy.

## PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Victor G. Heiser to be surgeon in the Public Health Service, United States, to rank as such from October 1, 1912, in place of Surg. Arthur H. Glennan, promoted.

Asst. Surg. Joseph R. Ridlon to be passed assistant surgeon in the Public Health Service, United States, to rank as such from October 24, 1912.

## COMMISSIONER OF LABOR.

Charles P. Neill, of the District of Columbia, to be Commissioner of Labor, Department of Commerce and Labor, to take effect February 1, 1913. (Reappointment.)

## MISSISSIPPI RIVER COMMISSION.

Lieut. Col. Lansing H. Beach, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission, provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission,' for the improvement of said river from the Head of Passes near its mouth to its headwaters," vice Col. William T. Rossell, Corps of Engineers, United States Army, to be relieved.

## EXECUTIVE COUNCIL OF PORTO RICO.

The persons herein named for appointment as members of the Executive Council of Porto Rico, provided for in section 18 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

Frank Martinez, of Porto Rico, to take effect January 9, 1913, vice Rafael del Valle.

Luis Sanchez Morales, of Porto Rico, to take effect January 16, 1913. (Reappointment.)

## REGISTERS OF THE LAND OFFICE.

W. Hall Irons, of South Dakota, to be register of the land office at Chamberlain, S. Dak. (Reappointment.)

Bryson P. Blair, of Colorado, to be register of the land office at Montrose, Colo., his term expiring January 17, 1913. (Reappointment.)

John R. McFie, of Santa Fe, N. Mex., to be register of the land office at Santa Fe, vice Manuel R. Otero, term expired.



Lester Bartlett, of Minnesota, to be register of the land office at Cass Lake, Minn., his term expiring January 20, 1913. (Reappointment.)

#### PURCHASING AGENT, POST OFFICE DEPARTMENT.

John A. Holmes, of the District of Columbia, to be purchasing agent for the Post Office Department for a period of four years, beginning January 12, 1913. (Reappointment.)

#### POSTMASTERS.

##### ALABAMA.

Harvey E. Berkstresser to be postmaster at Dadeville, Ala., in place of Harvey E. Berkstresser. Incumbent's commission expires January 13, 1913.

George W. Russell to be postmaster at Eufaula, Ala., in place of George W. Russell. Incumbent's commission expires January 11, 1913.

Sylvanus L. Sherrill to be postmaster at Hartsells, Ala., in place of Sylvanus L. Sherrill. Incumbent's commission expires January 13, 1913.

Thomas H. Stephens to be postmaster at Gadsden, Ala., in place of Thomas H. Stephens. Incumbent's commission expired December 16, 1912.

Charley N. Thompson to be postmaster at Piedmont, Ala., in place of Charley N. Thompson. Incumbent's commission expired December 16, 1912.

##### ALASKA.

Thomas L. Thurston to be postmaster at Iditarod, Alaska. Office became presidential July 1, 1912.

##### ARKANSAS.

Benjamin W. Allen to be postmaster at Hamburg, Ark., in place of Benjamin W. Allen. Incumbent's commission expires January 28, 1913.

Hiram F. Butler to be postmaster at Warren, Ark., in place of Hiram F. Butler. Incumbent's commission expires January 22, 1913.

W. M. Howard to be postmaster at Paris, Ark., in place of W. M. Howard. Incumbent's commission expires January 22, 1913.

James H. Johnson to be postmaster at Atkins, Ark., in place of James F. Burrus. Incumbent's commission expired December 17, 1912.

Anna L. Owen to be postmaster at Conway, Ark., in place of Owen J. Owen, jr., deceased.

Charles L. Perry to be postmaster at Stuttgart, Ark., in place of Edward Hall, deceased.

John W. Terry to be postmaster at Marvell, Ark., in place of John W. Terry. Incumbent's commission expires February 10, 1913.

Charles H. Tisdale to be postmaster at Hazen, Ark., in place of Charles H. Tisdale. Incumbent's commission expires January 28, 1913.

William E. Yeager to be postmaster at Hope, Ark., in place of J. E. Woodson. Incumbent's commission expired December 17, 1912.

##### CALIFORNIA.

Josiah R. Baker to be postmaster at Antioch, Cal., in place of Josiah R. Baker. Incumbent's commission expired January 6, 1913.

Frank H. Bangham to be postmaster at Susanville, Cal., in place of Frank H. Bangham. Incumbent's commission expires January 22, 1913.

Emma D. Benedict to be postmaster at Lancaster, Cal. Office became presidential January 1, 1913.

Clyde L. De Armond to be postmaster at Orland, Cal., in place of Clyde L. De Armond. Incumbent's commission expires January 20, 1913.

Frederic S. Harrison to be postmaster at Patterson, Cal. Office became presidential January 1, 1913.

Flora S. Knauer to be postmaster at Reedley, Cal., in place of Flora S. Knauer. Incumbent's commission expires January 28, 1913.

George P. Manley to be postmaster at Sanger, Cal., in place of George P. Manley. Incumbent's commission expires February 9, 1913.

Oscar L. Meek to be postmaster at Marysville, Cal., in place of Oscar L. Meek. Incumbent's commission expired December 14, 1912.

Presentation M. Soto to be postmaster at Concord, Cal., in place of Presentation M. Soto. Incumbent's commission expires January 26, 1913.

George M. Treichler to be postmaster at Sacramento, Cal., in place of Robert M. Richardson, resigned.

John J. West to be postmaster at Willow, Cal., in place of John J. West. Incumbent's commission expires February 20, 1913.

Thomas B. Wilson to be postmaster at Cloverdale, Cal., in place of Thomas B. Wilson. Incumbent's commission expired January 23, 1912.

##### CONNECTICUT.

George E. Andrews to be postmaster at Noank, Conn., in place of George E. Andrews. Incumbent's commission expires February 9, 1913.

John W. Cook to be postmaster at Beacon Falls, Conn., in place of John W. Cook. Incumbent's commission expired December 14, 1912.

Judson D. Foote to be postmaster at Montowese, Conn., in place of Judson D. Foote. Incumbent's commission expires January 11, 1913.

William L. Judson to be postmaster at Woodbury, Conn., in place of William L. Judson. Incumbent's commission expired December 14, 1912.

Samuel H. Kellogg to be postmaster at Colchester, Conn., in place of Samuel H. Kellogg. Incumbent's commission expires February 9, 1913.

##### FLORIDA.

Frank Vans Agnew to be postmaster at Kissimmee, Fla., in place of Frank Vans Agnew. Incumbent's commission expired December 10, 1912.

John H. Gillespie to be postmaster at Sarasota, Fla., in place of Carrie S. Abbe. Incumbent's commission expires January 26, 1913.

Charles E. Hood to be postmaster at Dunnellon, Fla., in place of George W. Neville, resigned.

Charles C. Peck to be postmaster at Brooksville, Fla., in place of Charles C. Peck. Incumbent's commission expires January 26, 1913.

William C. Smith to be postmaster at Daytona, Fla., in place of William C. Smith. Incumbent's commission expires January 13, 1913.

##### GEORGIA.

Stephen D. Cherry to be postmaster at Donalsonville, Ga., in place of William E. Perry, resigned.

Vivian McCurdy to be postmaster at Stone Mountain, Ga., in place of Vivian McCurdy. Incumbent's commission expires January 27, 1913.

Hugh D. North to be postmaster at Midville, Ga. Office became presidential January 1, 1913.

Thomas M. Scoville to be postmaster at Oglethorpe, Ga., in place of Thomas M. Scovill. Incumbent's commission expires January 27, 1913.

Claude E. Smith to be postmaster at Carrollton, Ga., in place of Claude E. Smith. Incumbent's commission expires January 26, 1913.

William R. Watson to be postmaster at Lithonia, Ga., in place of William R. Watson. Incumbent's commission expires January 12, 1913.

##### HAWAII.

M. T. Lyons to be postmaster at Wailuku, Hawaii, in place of M. T. Lyons. Incumbent's commission expired December 16, 1912.

##### IDAHO.

James F. Bridwell to be postmaster at Kamiah, Idaho. Office became presidential January 1, 1913.

##### ILLINOIS.

Jacob W. Barkdoll to be postmaster at Tremont, Ill., in place of Jacob W. Barkdoll. Incumbent's commission expires January 11, 1913.

Fremont C. Blandin to be postmaster at Rutland, Ill. Office became presidential January 1, 1913.

Carey B. Garret to be postmaster at Mendon, Ill. Office became presidential January 1, 1913.

Joseph G. Greeson to be postmaster at Greenup, Ill., in place of Joseph G. Greeson. Incumbent's commission expires January 11, 1913.

William D. Hall to be postmaster at Table Grove, Ill., in place of William D. Hall. Incumbent's commission expires January 11, 1913.

Oscar H. Harpham to be postmaster at Havana, Ill., in place of Oscar H. Harpham. Incumbent's commission expires January 14, 1913.

Carrie Hovda to be postmaster at Leland, Ill., in place of Carrie Hovda. Incumbent's commission expires January 11, 1913.

Mabel J. Heavenhill to be postmaster at Sheridan, Ill., in place of Mabel J. Heavenhill. Incumbent's commission expires January 11, 1913.

Jacob H. Koch to be postmaster at New Athens, Ill., in place of Jacob H. Koch. Incumbent's commission expires January 28, 1913.

Warren J. Lincoln to be postmaster at Mount Pulaski, Ill., in place of Warren J. Lincoln. Incumbent's commission expired December 14, 1912.

John L. Linville to be postmaster at Hubbard Woods, Ill. Office became presidential July 1, 1912.

Thomas Millet, jr. to be postmaster at Troy, Ill., in place of Thomas Millet, jr. Incumbent's commission expires January 11, 1913.

Henry Noll to be postmaster at Virden, Ill., in place of Henry Noll. Incumbent's commission expires January 11, 1913.

James S. Thompson to be postmaster at Melvin, Ill. Office became presidential January 1, 1913.

Fred S. Wallich to be postmaster at Knoxville, Ill., in place of Orange L. Campbell. Incumbent's commission expired December 14, 1912.

Fred C. Whisler to be postmaster at Mackinaw, Ill., in place of Fred C. Whisler. Incumbent's commission expires January 11, 1913.

John Yost to be postmaster at Eldorado, Ill., in place of John Yost. Incumbent's commission expired December 11, 1911.

## INDIANA.

Louis T. Bell to be postmaster at Flora, Ind., in place of Louis T. Bell. Incumbent's commission expires January 13, 1913.

John C. Jenkins to be postmaster at Fortville, Ind., in place of John C. Jenkins. Incumbent's commission expires March 3, 1913.

John R. Nordyke to be postmaster at Wolcott, Ind., in place of John R. Nordyke. Incumbent's commission expires January 13, 1913.

A. R. Schimpff to be postmaster at Jeffersonville, Ind., in place of Albert L. Anderson, removed.

Herman Schumacher to be postmaster at Newburg, Ind., in place of Herman Schumacher. Incumbent's commission expires February 1, 1913.

## IOWA.

Cyrus P. Bean to be postmaster at Zeoring, Iowa. Office became presidential January 1, 1913.

Edgar O. Beanblossom to be postmaster at Whiting, Iowa, in place of Edgar O. Beanblossom. Incumbent's commission expired December 14, 1912.

Marion Bruce to be postmaster at Rolfe, Iowa, in place of Marion Bruce. Incumbent's commission expired January 10, 1910.

Hans Evenson to be postmaster at Calmar, Iowa, in place of Hans Evenson. Incumbent's commission expired December 14, 1912.

James S. Francis to be postmaster at Gravity, Iowa. Office became presidential January 1, 1913.

William L. Gustin to be postmaster at Kellerton, Iowa, in place of William L. Gustin. Incumbent's commission expires January 11, 1913.

Samuel H. Hall to be postmaster at Lime Spring, Iowa, in place of Samuel H. Hall. Incumbent's commission expired May 11, 1912.

Annas M. Henderson to be postmaster at Story City, Iowa, in place of Annas M. Henderson. Incumbent's commission expired January 9, 1912.

Harry Higman to be postmaster at Winthrop, Iowa, in place of Harry Higman. Incumbent's commission expires January 11, 1913.

Louis N. Kramer to be postmaster at McGregor, Iowa, in place of Louis N. Kramer. Incumbent's commission expired December 14, 1912.

Albert R. Kullmer to be postmaster at Dysart, Iowa, in place of Albert R. Kullmer. Incumbent's commission expires January 11, 1913.

J. B. Landhuis to be postmaster at Hoppers, Iowa. Office became presidential January 1, 1913.

W. D. Miller to be postmaster at Ogden, Iowa, in place of Clinton L. Zollinger, resigned.

Alex Porter to be postmaster at Strawberry Point, Iowa, in place of Gilbert Cooley, deceased.

Charles A. Stevens to be postmaster at Salem, Iowa. Office became presidential January 1, 1913.

Eugene Stiles to be postmaster at Sidney, Iowa, in place of Eugene Stiles. Incumbent's commission expires January 11, 1913.

Will M. Stoakes to be postmaster at Traer, Iowa, in place of B. F. Thomas, deceased.

Herman Ternes to be postmaster at Dubuque, Iowa, in place of Herman Ternes. Incumbent's commission expires February 20, 1913.

Frank J. Tishenbanner to be postmaster at Gilmore City, Iowa, in place of Frank J. Tishenbanner. Incumbent's commission expired December 14, 1912.

James W. Thorn to be postmaster at Lacona, Iowa, in place of James W. Thorn. Incumbent's commission expires January 11, 1913.

## KANSAS.

H. E. Adams to be postmaster at Summerfield, Kans., in place of William A. Fleming. Incumbent's commission expired April 17, 1912.

Joseph E. Aldrich to be postmaster at Sylvia, Kans., in place of Joseph E. Aldrich. Incumbent's commission expires January 11, 1913.

Henry Avery to be postmaster at Wakefield, Kans., in place of Henry Avery. Incumbent's commission expired February 12, 1912.

Eva M. Baird to be postmaster at Spearville, Kans., in place of Eva M. Baird. Incumbent's commission expires January 14, 1913.

James M. Brown to be postmaster at Wilson, Kans., in place of James M. Brown. Incumbent's commission expires February 9, 1913.

Charles T. Dallam to be postmaster at Hoxie, Kans., in place of Charles T. Dallam. Incumbent's commission expired March 31, 1912.

Frank W. Elliott to be postmaster at Edna, Kans., in place of Frank W. Elliott. Incumbent's commission expires January 28, 1913.

Bert Fancher to be postmaster at Clafin, Kans., in place of Bert Fancher. Incumbent's commission expires January 12, 1913.

Frank E. George to be postmaster at Altamont, Kans., in place of Frank E. George. Incumbent's commission expires January 11, 1913.

Charles W. Hawes to be postmaster at Augusta, Kans., in place of Charles W. Hawes. Incumbent's commission expires January 11, 1913.

William R. Honnell to be postmaster at Kansas City, Kans., in place of Wesley R. Childs. Incumbent's commission expired December 9, 1911.

## KENTUCKY.

Frank E. Acker to be postmaster at Livermore, Ky. Office became presidential January 1, 1913.

John D. Campbell to be postmaster at Jenkins, Ky. Office became presidential January 1, 1913.

James D. Edmonson to be postmaster at Clay, Ky. Office became presidential January 1, 1913.

Bessie Hedden to be postmaster at Taylorsville, Ky., in place of William H. Stratton, deceased.

George W. Hutcheson to be postmaster at Lawrenceburg, Ky., in place of George W. Hutcheson. Incumbent's commission expires March 1, 1913.

Anna E. Miller to be postmaster at Mount Vernon, Ky. Office became presidential January 1, 1913.

Robert A. Russell to be postmaster at Kevil, Ky. Office became presidential January 1, 1913.

James P. Spilman to be postmaster at Harrodsburg, Ky., in place of James P. Spilman. Incumbent's commission expired February 7, 1911.

## LOUISIANA.

Lee R. Broussard to be postmaster at Breaux Bridge, La. Office became presidential January 1, 1913.

Lawrence T. Hebert to be postmaster at White Castle, La., in place of Philip P. Blanchard. Incumbent's commission expires January 20, 1913.

Joseph J. Lafargue to be postmaster at Donaldsonville, La., in place of Joseph J. Lafargue. Incumbent's commission expires January 20, 1913.

Wellington D. Landry to be postmaster at Sulphur, La., in place of John J. Drost, deceased.

L. B. Ligon to be postmaster at Kentwood, La., in place of L. B. Ligon. Incumbent's commission expires February 9, 1913.

Francis S. Norfleet to be postmaster at Lecompte, La., in place of Francis S. Norfleet. Incumbent's commission expires January 20, 1913.

Jacob Plonsky to be postmaster at Washington, La., in place of Jacob Plonsky. Incumbent's commission expires February 18, 1913.



## MARYLAND.

Joseph Mallalieu to be postmaster at Millington, Md., in place of Rose E. Walls. Incumbent's commission expires January 11, 1913.

Mary W. Stewart to be postmaster at Oxford, Md. Office became presidential October 1, 1912.

## MASSACHUSETTS.

Samuel Atwell to be postmaster at Kingston, Mass., in place of Samuel Atwell. Incumbent's commission expired December 14, 1912.

Charles W. Bemis to be postmaster at Foxboro, Mass., in place of Charles W. Bemis. Incumbent's commission expires January 26, 1913.

Anna N. Daniels to be postmaster at Millis, Mass., in place of Jeremiah B. Daniels, deceased.

Charles M. Hoyt to be postmaster at Haverhill, Mass., in place of Charles M. Hoyt. Incumbent's commission expires January 12, 1913.

Charles J. Shepard to be postmaster at Waltham, Mass., in place of Charles J. Shepard. Incumbent's commission expired December 14, 1912.

Susan F. Twiss to be postmaster at Three Rivers, Mass., in place of Susan F. Twiss. Incumbent's commission expired January 5, 1913.

## MICHIGAN.

Frank A. Bywater to be postmaster at Memphis, Mich. Office became presidential January 1, 1913.

Christopher C. Smith to be postmaster at Algonac, Mich., in place of Christopher C. Smith. Incumbent's commission expired December 14, 1912.

William Glerum to be postmaster at Zeeland, Mich., in place of William Glerum. Incumbent's commission expired December 11, 1911.

Carl M. Lund to be postmaster at Harrisville, Mich., in place of Carl M. Lund. Incumbent's commission expires January 11, 1913.

Louis H. Tovatt to be postmaster at Standish, Mich., in place of Louis H. Tovatt. Incumbent's commission expires January 11, 1913.

## MINNESOTA.

William B. Anderson to be postmaster at Hopkins, Minn., in place of William B. Anderson. Incumbent's commission expired January 5, 1913.

Iver Bondy to be postmaster at Henning, Minn., in place of Iver Bondy. Incumbent's commission expires January 11, 1913.

Robert K. Brough to be postmaster at Alexandria, Minn., in place of Robert K. Brough. Incumbent's commission expired January 5, 1913.

Aaron R. Butler to be postmaster at Bagley, Minn., in place of Aaron R. Butler. Incumbent's commission expires January 22, 1913.

Alfred W. Johnson to be postmaster at Sebeka, Minn., in place of John Anderson, resigned.

Michael J. McCarthy to be postmaster at Watkins, Minn. Office became presidential January 1, 1913.

Belle N. Maxwell to be postmaster at Fulda, Minn., in place of Jesse A. Maxwell, resigned.

Albert W. Nary to be postmaster at Maple Lake, Minn. Office became presidential January 1, 1913.

William O'Brien to be postmaster at Eden Valley, Minn. Office became presidential January 1, 1913.

Herman Ohde to be postmaster at Henderson, Minn., in place of Herman Ohde. Incumbent's commission expires January 28, 1913.

Lee M. Shell to be postmaster at Worthington, Minn., in place of Frank R. Coughran, resigned.

William Wichman to be postmaster at Morton, Minn., in place of Robert B. Henton, resigned.

## MISSISSIPPI.

Robert S. Majure to be postmaster at Newton, Miss., in place of Henry C. Majure, resigned.

## MISSOURI.

John W. Bence to be postmaster at Memphis, Mo., in place of Robert D. Cramer. Incumbent's commission expired April 13, 1910.

Thomas G. Bernard to be postmaster at Osceola, Mo., in place of Alanson H. Dent, resigned.

Herman E. Christrop to be postmaster at Martinsburg, Mo., in place of Edwin W. Pritchett. Incumbent's commission expired December 14, 1912.

Charles M. Clark to be postmaster at Montrose, Mo., in place of Charles M. Clark. Incumbent's commission expires February 9, 1913.

A. H. Doermann to be postmaster at Eldorado Springs, Mo., in place of A. H. Doermann. Incumbent's commission expires March 2, 1913.

William H. Funk to be postmaster at Queen City, Mo., in place of William H. Funk. Incumbent's commission expires February 9, 1913.

Daniel M. Gause to be postmaster at Buffalo, Mo., in place of Robert A. Booth, resigned.

Corwin S. Gohn to be postmaster at Alton, Mo. Office became presidential January 1, 1913.

Bayless L. Guffy to be postmaster at Hayti, Mo., in place of Bayless L. Guffy. Incumbent's commission expires January 12, 1913.

Charles L. Harris to be postmaster at Harrisonville, Mo., in place of Charles L. Harris. Incumbent's commission expired March 20, 1912.

John H. Harris to be postmaster at Lockwood, Mo., in place of John H. Harris. Incumbent's commission expires January 22, 1913.

Elmer E. Hart to be postmaster at Eldon, Mo., in place of Elmer E. Hart. Incumbent's commission expires January 11, 1913.

Clarence C. Jenkins to be postmaster at Clarksville, Mo., in place of William L. H. Silliman, deceased.

Leonard D. Kennedy to be postmaster at Frankford, Mo., in place of Leonard D. Kennedy. Incumbent's commission expires January 26, 1913.

John A. Knowles to be postmaster at Flat River, Mo., in place of John A. Knowles. Incumbent's commission expires January 11, 1913.

John W. Key to be postmaster at Mountain Grove, Mo., in place of John W. Key. Incumbent's commission expired December 14, 1912.

Francis M. Jones to be postmaster at Winona, Mo., in place of Francis M. Jones. Incumbent's commission expires January 11, 1913.

William F. Norris to be postmaster at Perry, Mo., in place of William F. Norris. Incumbent's commission expired December 14, 1912.

Warren W. Parish to be postmaster at Adrian, Mo., in place of Warren W. Parish. Incumbent's commission expires January 11, 1913.

George L. Root to be postmaster at South St. Joseph, Mo., Office became presidential January 1, 1913.

William E. Templeton to be postmaster at Excelsior Springs, Mo., in place of William E. Templeton. Incumbent's commission expires January 26, 1913.

John E. Turpin to be postmaster at Crocker, Mo. Office became presidential January 1, 1913.

## MONTANA.

Edward L. Fenton to be postmaster at Laurel, Mont., in place of Edward L. Fenton. Incumbent's commission expires January 26, 1913.

H. E. Hammett to be postmaster at Belt, Mont., in place of Eugene R. Clingan, removed.

Grace Lamont to be postmaster at Dillon, Mont., in place of Grace Lamont. Incumbent's commission expires January 26, 1913.

Walter E. Williamson to be postmaster at Wibaux, Mont., in place of Walter E. Williamson. Incumbent's commission expires February 20, 1913.

## NEBRASKA.

William E. Alexander to be postmaster at Orchard, Nebr., in place of William E. Alexander. Incumbent's commission expires January 11, 1913.

Hubert L. Buckingham to be postmaster at Plainview, Nebr., in place of Hubert L. Buckingham. Incumbent's commission expires January 11, 1913.

William A. Grant to be postmaster at Coleridge, Nebr., in place of William A. Grant. Incumbent's commission expires January 13, 1913.

Lucy K. Partridge to be postmaster at Kenesaw, Nebr., in place of Lucy K. Partridge. Incumbent's commission expires January 14, 1913.

John F. Diener to be postmaster at Syracuse, Nebr., in place of John F. Diener. Incumbent's commission expires February 9, 1913.

Albert W. Searl to be postmaster at Elwood, Nebr., in place of Albert W. Searl. Incumbent's commission expires February 10, 1913.

## NEVADA.

Herbert Badt to be postmaster at Wells, Nev., in place of Herbert Badt. Incumbent's commission expired December 14, 1912.

K. C. Berg to be postmaster at Round Mountain, Nev. Office became presidential January 1, 1913.

Alton A. Carman to be postmaster at Pioche, Nev., in place of Alton A. Carman. Incumbent's commission expires January 14, 1913.

Fred L. Littell to be postmaster at Yerington, Nev., in place of Fred L. Littell. Incumbent's commission expired December 14, 1912.

William L. Lockhart to be postmaster at Ruth, Nev. Office became presidential January 1, 1913.

## NEW HAMPSHIRE.

Joseph H. Avery to be postmaster at Milton, N. H., in place of Joseph H. Avery. Incumbent's commission expired December 14, 1912.

## NEW JERSEY.

Joshua L. Allen to be postmaster at Pennington, N. J., in place of Joshua L. Allen. Incumbent's commission expires January 11, 1913.

Alfred B. Gibb to be postmaster at Bernardsville, N. J., in place of Alfred B. Gibb. Incumbent's commission expires January 13, 1913.

Uzal S. Hancy to be postmaster at Franklin Furnace, N. J., in place of Uzal S. Hancy. Incumbent's commission expires January 13, 1913.

Farley F. Holcombe to be postmaster at Hopewell, N. J., in place of Farley F. Holcombe. Incumbent's commission expires January 11, 1913.

## NEW YORK.

Francis C. Allen to be postmaster at Ovid, N. Y., in place of Francis C. Allen. Incumbent's commission expired April 22, 1912.

Flora E. Bassett to be postmaster at Walton, N. Y., in place of Flora E. Bassett. Incumbent's commission expired December 16, 1912.

Linn C. Beebe to be postmaster at Hamilton, N. Y., in place of James W. Welch. Incumbent's commission expired January 5, 1913.

Henry E. Corwin to be postmaster at Bellport, N. Y., in place of Henry E. Corwin. Incumbent's commission expired December 16, 1912.

Robert L. Craig to be postmaster at Fultonville, N. Y., in place of John N. Van Antwerp, deceased.

Frederic H. Coggeshall to be postmaster at Waterville, N. Y., in place of Frederic H. Coggeshall. Incumbent's commission expires January 26, 1913.

John W. Hedges to be postmaster at Pine Plains, N. Y., in place of John W. Hedges. Incumbent's commission expires January 21, 1913.

Edwin B. Hughes to be postmaster at Staatsburg, N. Y., in place of Edwin B. Hughes. Incumbent's commission expires January 29, 1913.

Robert H. Hunter to be postmaster at Poughkeepsie, N. Y., in place of Robert H. Hunter. Incumbent's commission expires January 12, 1913.

Frank H. Johnson to be postmaster at Interlaken, N. Y., in place of Frank H. Johnson. Incumbent's commission expires January 11, 1913.

Harlan W. Leggett to be postmaster at Schuylerville, N. Y., in place of Orley W. Closson, removed.

William H. Marshall to be postmaster at Pleasantville (late Pleasantville Station), N. Y., in place of William H. Marshall. To change the name of office.

William A. Serven to be postmaster at Pearl River, N. Y., in place of William A. Serven. Incumbent's commission expires January 18, 1913.

Daniel Smiley to be postmaster at Mohonk Lake, N. Y., in place of Daniel Smiley. Incumbent's commission expires January 13, 1913.

Joseph F. Stephens to be postmaster at Highland Falls, N. Y., in place of Joseph F. Stephens. Incumbent's commission expires January 22, 1913.

Charles J. Sweet to be postmaster at Black River, N. Y., in place of Charles J. Sweet. Incumbent's commission expired January 5, 1913.

Alexander S. Taylor to be postmaster at Westbury, N. Y., in place of Alexander S. Taylor. Incumbent's commission expired December 16, 1912.

Gerow Van Wyck to be postmaster at Walkill, N. Y., in place of Evert B. Du Bois, resigned.

Charles M. Waters to be postmaster at Lyons Falls, N. Y., in place of Charles M. Waters. Incumbent's commission expired January 5, 1913.

Earl L. Whiting to be postmaster at Delevan, N. Y., in place of Earl L. Whiting. Incumbent's commission expired January 5, 1913.

## NORTH CAROLINA.

Ida Augusta Phelps to be postmaster at Plymouth, N. C., in place of Ida Augusta Phelps. Incumbent's commission expired February 12, 1912.

## NORTH DAKOTA.

H. B. Allen to be postmaster at Steele, N. Dak., in place of H. B. Allen. Incumbent's commission expires February 20, 1913.

Andrew D. Cochrane to be postmaster at York, N. Dak., in place of Andrew D. Cochrane. Incumbent's commission expires February 17, 1913.

Christ Fuoter to be postmaster at Ray, N. Dak., in place of Christ Fuoter. Incumbent's commission expired December 13, 1910.

A. A. Lane to be postmaster at Sherwood, N. Dak., in place of Perry Brown. Incumbent's commission expires January 14, 1913.

Charles Lano to be postmaster at Mohall, N. Dak., in place of Charles Lano. Incumbent's commission expires February 10, 1913.

A. C. O. Lomen to be postmaster at Ryder, N. Dak., in place of Ole J. Bye, resigned.

Elstow McKoane to be postmaster at Ambrose, N. Dak., in place of Elstow McKoane. Incumbent's commission expires March 1, 1913.

Mark Waind to be postmaster at Milton, N. Dak., in place of J. W. Pratten, resigned.

## OHIO.

Charles E. Ainger to be postmaster at Andover, Ohio, in place of Charles E. Ainger. Incumbent's commission expires January 21, 1913.

Harlow N. Aldrich to be postmaster at Elmore, Ohio, in place of Harlow N. Aldrich. Incumbent's commission expires January 20, 1913.

William S. Atchison to be postmaster at Salem, Ohio, in place of William S. Atchison. Incumbent's commission expired January 5, 1913.

Louis G. Bidwell to be postmaster at Kinsman, Ohio, in place of Louis G. Bidwell. Incumbent's commission expires January 21, 1913.

Selah S. Connell to be postmaster at West Carrollton, Ohio, in place of Selah S. Connell. Incumbent's commission expires February 11, 1913.

Richard C. Dowling to be postmaster at Middletown, Ohio, in place of Edmund L. McCallay, resigned.

John Ellis to be postmaster at Massillon, Ohio, in place of John Ellis. Incumbent's commission expires January 21, 1913.

Albert Felke to be postmaster at Lynchburg, Ohio. Office became presidential January 1, 1913.

John G. Gunzenhauser to be postmaster at Huron, Ohio, in place of William R. Tyler, deceased.

Chauncy A. Hamilton to be postmaster at Plymouth, Ohio, in place of Samuel E. Nimmons, resigned.

Percy May to be postmaster at New Holland, Ohio, in place of Percy May. Incumbent's commission expires January 13, 1913.

E. Calvin Miller to be postmaster at New Carlisle, Ohio, in place of E. Calvin Miller. Incumbent's commission expires January 13, 1913.

Isaac N. W. Reed to be postmaster at Ansonia, Ohio. Office became presidential January 1, 1913.

Samuel F. Rose to be postmaster at Clarington, Ohio, in place of Samuel F. Rose. Incumbent's commission expires January 20, 1913.

## OKLAHOMA.

William T. Brooks to be postmaster at Broken Arrow, Okla., in place of William T. Brooks. Incumbent's commission expires January 14, 1913.

Louis N. Bushorr to be postmaster at Pawnee, Okla., in place of Louis N. Bushorr. Incumbent's commission expired April 28, 1912.

Gaylord S. Clute to be postmaster at Avant, Okla. Office became presidential January 1, 1913.

Horace Gray to be postmaster at Tahlequah, Okla., in place of Horace Gray. Incumbent's commission expired December 17, 1912.

Alexander B. Holliday to be postmaster at Crescent, Okla., in place of Alexander B. Holliday. Incumbent's commission expired December 17, 1912.



Will Huston to be postmaster at Thomas, Okla., in place of Will Huston. Incumbent's commission expired December 17, 1912.

Charles H. Jennings to be postmaster at Walch, Okla. Office became presidential January 1, 1913.

Karl Sweem to be postmaster at Miami, Okla., in place of Harland J. Butler, removed.

J. Ed Van Mater to be postmaster at Altus, Okla., in place of J. Ed Van Mater. Incumbent's commission expires January 14, 1913.

Arthur J. Weir to be postmaster at Hugo, Okla., in place of Enoch Needham. Incumbent's commission expires January 14, 1913.

John E. White to be postmaster at Lenapah, Okla. Office became presidential January 1, 1913.

#### OREGON.

John E. Beezley to be postmaster at Falls City, Oreg., in place of John E. Beezley. Incumbent's commission expires January 20, 1913.

William M. Brown to be postmaster at Lebanon, Oreg., in place of William M. Brown. Incumbent's commission expires January 20, 1913.

#### PENNSYLVANIA.

Andrew C. Allison to be postmaster at Mifflintown, Pa., in place of Andrew C. Allison. Incumbent's commission expires February 9, 1913.

Jerry J. Coffey to be postmaster at Osceola Mills, Pa., in place of John H. Warren, deceased.

George W. De Coursey to be postmaster at Newtown, Pa., in place of George W. De Coursey. Incumbent's commission expires January 25, 1913.

Matthew P. Frederick to be postmaster at Gallitzin, Pa., in place of Matthew P. Frederick. Incumbent's commission expires January 12, 1913.

Henry O. Garber to be postmaster at Berwyn, Pa., in place of Henry O. Garber. Incumbent's commission expired December 16, 1912.

Hugh W. Gilbert to be postmaster at Quarryville, Pa., in place of Hugh W. Gilbert. Incumbent's commission expires February 9, 1913.

William S. Gleason to be postmaster at Johnsonburg, Pa., in place of William S. Gleason. Incumbent's commission expires January 12, 1913.

Alexander B. Grosh to be postmaster at New Bloomfield, Pa., in place of Alexander B. Grosh. Incumbent's commission expires February 9, 1913.

A. J. Pettit to be postmaster at Port Royal, Pa. Office became presidential January 1, 1913.

William M. Toy to be postmaster at Austin, Pa., in place of William M. Toy. Incumbent's commission expires January 12, 1913.

Samuel B. Willard to be postmaster at Yardley, Pa., in place of Samuel B. Willard. Incumbent's commission expires January 25, 1913.

#### RHODE ISLAND.

Edward W. Jones to be postmaster at River Point, R. I., in place of Edward W. Jones. Incumbent's commission expired December 14, 1912.

#### SOUTH CAROLINA.

George A. Reed to be postmaster at Beaufort, S. C., in place of George A. Reed. Incumbent's commission expired April 29, 1912.

#### SOUTH DAKOTA.

George E. Culver to be postmaster at Corsica, S. Dak. Office became presidential January 1, 1913.

Joseph Kubler to be postmaster at Custer, S. Dak., in place of Joseph Kubler. Incumbent's commission expires January 28, 1913.

#### TENNESSEE.

William E. Byers to be postmaster at Tracy City, Tenn., in place of William E. Byers. Incumbent's commission expires March 3, 1913.

Jasper N. Fitzwater to be postmaster at Collierville, Tenn., in place of Jasper N. Fitzwater. Incumbent's commission expires January 11, 1913.

William L. Green to be postmaster at Spring Hill, Tenn., in place of William L. Green. Incumbent's commission expires March 3, 1913.

Joel F. Ruffin to be postmaster at Cedar Hill, Tenn., in place of Joel F. Ruffin. Incumbent's commission expires March 3, 1913.

John A. Wilson to be postmaster at Sharon, Tenn. Office became presidential January 1, 1913.

#### TEXAS.

Arch Campbell to be postmaster at Brazoria, Tex. Office became presidential January 1, 1913.

Herman H. Duncan to be postmaster at Kaufman, Tex., in place of Robert H. Armstrong. Incumbent's commission expired April 28, 1912.

W. M. Gibson to be postmaster at Alvord, Tex., in place of Henry L. Sands, deceased.

J. S. House to be postmaster at Kingsville, Tex., in place of J. S. House. Incumbent's commission expired December 16, 1912.

Evert Johnson to be postmaster at Jacksboro, Tex., in place of Evert Johnson. Incumbent's commission expired December 16, 1912.

James E. Lindsey to be postmaster at Rule, Tex., in place of James E. Lindsey. Incumbent's commission expired April 28, 1912.

Theodore F. Loose to be postmaster at Marble Falls, Tex., in place of Effie J. Cochran. Incumbent's commission expired December 16, 1911.

Claude P. McGregor to be postmaster at Cameron, Tex., in place of Thomas A. Pope. Incumbent's commission expired December 16, 1912.

George F. Rockhold to be postmaster at Dallas, Tex., in place of Sloan Simpson.

#### UTAH.

John A. Israelsen to be postmaster at Hyrum, Utah. Office became presidential January 1, 1913.

Henry A. Pace to be postmaster at Price, Utah, in place of Charles A. Guilwits. Incumbent's commission expires January 22, 1913.

#### VERMONT.

Alton B. Ashley to be postmaster at Milton, Vt., in place of Alton B. Ashley. Incumbent's commission expired March 11, 1912.

Emeroy G. Page to be postmaster at Hyde Park, Vt., in place of Emeroy G. Page. Incumbent's commission expires January 22, 1913.

Lewis A. Skiff to be postmaster at Middlebury, Vt., in place of Lewis A. Skiff. Incumbent's commission expires January 22, 1913.

Heman I. Spafford to be postmaster at North Bennington, Vt., in place of Heman I. Spafford. Incumbent's commission expired May 19, 1912.

William O. Williams to be postmaster at West Pawlet, Vt., in place of William O. Williams. Incumbent's commission expired May 15, 1912.

#### VIRGINIA.

Harry Fulwiler to be postmaster at Buchanan, Va., in place of Harry Fulwiler. Incumbent's commission expires January 11, 1913.

Benjamin P. Gay to be postmaster at Smithfield, Va., in place of Benjamin P. Gay. Incumbent's commission expired March 11, 1912.

M. L. Slomp to be postmaster at Pennington Gap, Va., in place of M. L. Slomp. Incumbent's commission expires January 11, 1913.

J. B. Vaughn to be postmaster at Keysville, Va., in place of Frederick I. Hanmer. Incumbent's commission expired December 14, 1912.

#### WASHINGTON.

Howard J. Fender to be postmaster at Prescott, Wash. Office became presidential January 1, 1913.

Clara McArthur to be postmaster at Okanogan, Wash., in place of Harvey S. Irwin, resigned.

William H. McCoy to be postmaster at Reardan, Wash., in place of William H. McCoy. Incumbent's commission expires January 28, 1913.

I. N. McGrath to be postmaster at Ephrata, Wash. Office became presidential July 1, 1910.

F. W. Martin to be postmaster at Cle Elum, Wash., in place of F. W. Martin. Incumbent's commission expires January 28, 1913.

Judson J. Merriam to be postmaster at Lind, Wash., in place of Judson J. Merriam. Incumbent's commission expired February 13, 1912.

William L. Shearer to be postmaster at Toppenish, Wash., in place of William L. Shearer. Incumbent's commission expires January 28, 1913.

Samuel F. Street to be postmaster at Edmonds, Wash., in place of Samuel F. Street. Incumbent's commission expired January 6, 1913.

## WEST VIRGINIA.

Sarah K. Rush to be postmaster at Newell, W. Va., in place of Sarah K. Rush. Incumbent's commission expires February 9, 1913.

## WISCONSIN.

Oliver W. Babcock to be postmaster at Omro, Wis., in place of Oliver W. Babcock. Incumbent's commission expires January 22, 1913.

James Carr to be postmaster at Bangor, Wis., in place of James Carr. Incumbent's commission expires January 12, 1913.

Charles A. Clark to be postmaster at Reedsburg, Wis., in place of Howard B. Quimby. Incumbent's commission expired January 13, 1912.

Myron W. De Lap to be postmaster at Abbottsford, Wis., in place of Myron W. De Lap. Incumbent's commission expires January 12, 1913.

J. P. Fitzgerald to be postmaster at Mellen, Wis., in place of Robert Johnson. Incumbent's commission expired December 14, 1912.

Joseph M. Garlick to be postmaster at Independence, Wis., in place of Joseph M. Garlick. Incumbent's commission expires January 26, 1913.

George Green to be postmaster at Loyal, Wis., in place of George Green. Incumbent's commission expires January 26, 1913.

August G. Koch to be postmaster at Kewaskum, Wis., in place of August G. Koch. Incumbent's commission expired December 11, 1911.

Rose M. Kropp to be postmaster at Hilbert, Wis., in place of John A. Kropp, resigned.

Matthew O'Regan to be postmaster at National Home, Wis., in place of Matthew O'Regan. Incumbent's commission expires January 12, 1913.

James R. Shaver to be postmaster at Augusta, Wis., in place of James R. Shaver. Incumbent's commission expires January 28, 1913.

John C. Southworth to be postmaster at Whitehall, Wis., in place of John C. Southworth. Incumbent's commission expires January 12, 1913.

## WYOMING.

Ella J. Perry to be postmaster at Upton, Wyo. Office became presidential July 1, 1911.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 11, 1913.*

## PROMOTIONS IN THE ARMY.

## QUARTERMASTER CORPS.

Brig. Gen. James B. Aleshire, quartermaster general, to be Chief of the Quartermaster Corps, with the rank of major general.

## SURGEON GENERAL.

George H. Torney to be surgeon general with the rank of brigadier general.

## WITHDRAWALS.

*Executive nominations withdrawn January 11, 1913.*

Russell Brown Patterson, of New Hampshire, for appointment as second lieutenant in the Infantry Arm.

## POSTMASTER.

John F. Furlow to be postmaster at Alvord, in the State of Texas.

## HOUSE OF REPRESENTATIVES.

SATURDAY, January 11, 1913.

The House met at 12 o'clock noon.

Rev. John Van Schaick, jr., pastor of the Church of Our Father, Washington, D. C., offered the following prayer:

Almighty God, who art the giver of every good and perfect gift, we lift up unto Thee the voice of our thanksgiving. We praise Thee for the life which Thou hast given us, for the service to which Thou hast appointed us, for the knowledge of Thy will and the inspiration of Thy love; for the work which our hands have found to do, for the truth which we are permitted to learn, for whatever good there has been in our past life, and for the hopes that lead us on to better things. Make us less unworthy of these Thy mercies and Thy blessings, and give us strength to do and dare Thy perfect will; through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## EULOGIES ON THE LATE REPRESENTATIVE WICKLIFFE.

Mr. MORGAN of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

On motion of Mr. MORGAN of Louisiana, by unanimous consent, it is ordered that Sunday, the 23d day of February, 1913, at 12 o'clock m., be set apart for addresses on the life, character, and public services of Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

## PENSIONS.

The SPEAKER. The unfinished business is House bill 27475, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. GARRETT. Mr. Speaker, I desire to make a point of order on that.

The SPEAKER. What point of order does the gentleman make?

Mr. GARRETT. I make the point of order that that is not the unfinished business for this day under the rule.

The SPEAKER. The Chair will hear the gentleman.

Mr. GARRETT. I call the attention of the Chair to clause 3, Rule XXIV. In the new Manual it appears on page 386:

The consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of; and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

Now, this is private pension legislation. The fact that it is in an omnibus bill does not in any respect destroy its private character. Under the rule, with which the Speaker is perfectly familiar, and which it is not necessary to read, it is only in order to consider legislation of this character on Fridays. I call the attention of the Chair further to page 386 of the new Manual:

In general, all business unfinished in the general legislative time goes over as unfinished business under the rule—

And so forth. I need not continue the reading of that; but a little further on—

Thus a motion relating to the order of business does not recur as unfinished business on a succeeding day, even though the yeas and nays may have been ordered on it. The question of construction also, when not disposed of at an adjournment, does not recur as unfinished business on a succeeding day.

On the next page, in paragraph 865—

The rule excepts by its terms certain classes of business which are considered in periods set apart for classes of business, viz:

(a) Bills considered in the morning hour for the call of committees.

(b) Bills in Committee of the Whole.

(c) Private bills considered on Fridays.

(d) District of Columbia bills.

(e) Bills brought up under the rule setting apart days for motions to suspend the rules.

And in that connection, Mr. Speaker, if I remember correctly, on last Monday there was pending a proposition to suspend the rules, and the House was proceeding to vote upon that question when adjournment was taken. That did not come up the next day as unfinished business, but, as I understand, will come up on the next suspension Monday.

Mr. RUSSELL. But in this case the previous question has been ordered.

Mr. FOSTER. The previous question has been ordered on the bill and amendments to the final passage.

Mr. GARRETT. I understand the previous question has been ordered on this. The previous question was not ordered on the motion to suspend the rules, because we do not order the previous question on that motion. It does not alter the situation that the previous question has been ordered. The fact of the previous question being ordered does not determine it, but it is determined by the class of business.

The SPEAKER. That bill, as a matter of fact, broke down before the House ever got to the previous question.

Mr. GARRETT. We do not demand the previous question on the motion to suspend the rules.

The SPEAKER. That is true, but you never did get anywhere with that bill.

Mr. GARRETT. I think the point of no quorum was made, perhaps, but my recollection is that the House was dividing upon the proposition at the time.

The SPEAKER. That was under suspension of the rules, and there is no previous question on that.



Mr. GARRETT. True; but, according to the Manual, bills that are brought up under the rule setting apart a time for motion to suspend the rules do not come up as unfinished business on the following day, but go over until next suspension day, and the Manual places in that same class private bills considered on Friday.

The SPEAKER. Has the gentleman from Tennessee considered the question whether the previous question does not change the general plan?

Mr. GARRETT. I have considered it, and I do not think it does change the general principle. I do not think the matter is determined by the parliamentary status of the bill, but by the character of the legislation proposed. I think that is the spirit of the rule. The intention of the Friday rule is to give private bills their opportunity, to give one day in the week on which to consider these bills, or two days in the month, as the case may be. Then, if they have reached a certain parliamentary status, where they can be considered unfinished business, they have their day again when that regular day arrives.

It is not the intention or spirit of the rules to permit private business to have more than it is entitled to under those rules simply by reason of a certain parliamentary stage being reached.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. FITZGERALD. I want to call the gentleman's attention to the fact that this question was decided as early as the Fifty-second Congress by Speaker Carlisle. He decided that these pension bills, on which the previous question had been ordered on Friday, did come up as unfinished business the next day for public business.

Mr. GARRETT. Does the gentleman recollect whether the Friday rule at that time was in the form it is now?

Mr. FITZGERALD. The only difference was that pension business was considered Friday nights then instead of on Fridays.

Mr. GARRETT. Mr. Speaker, I did not find last night in an examination of the precedents the decision to which the gentleman from New York refers. I do not remember what form the rule was in at that particular time, but I do remember in a general way the history of this rule. For a long time it was a special order, not put in the body of the rules of the House. In fact, that may be true up to the beginning of this Congress, but perhaps it was carried into the rules earlier than the beginning of this Congress. But for a long time it was a special order, and there was a provision not only for consideration on Friday but for sessions Friday nights. I do not know what form the rule was in at the time the ruling was made by Speaker Carlisle.

Mr. MANN. If the gentleman from Tennessee will pardon me, the old rule was substantially in the form that it is in now, except that it provided for night sessions for the consideration of pension bills. For a long time there was an order changing that and making it day sessions. So far as this point is concerned, I think there was no change in the rule.

The SPEAKER. Has the gentleman from Tennessee anything further to suggest?

Mr. GARRETT. Nothing further, Mr. Speaker, except to restate the proposition that, in my judgment, it is the spirit and intention of the rules of the House to give the private bills one day, and that it is not the intention of the rules to permit these bills to take up more than that time.

Mr. MANN rose.

The SPEAKER. On which side is the gentleman from Illinois?

Mr. MANN. I think the point of order should not be sustained.

The SPEAKER. Then the Chair will not trouble the gentleman. The gentleman from Tennessee [Mr. GARRETT] is a very careful student of the rules, and the Chair dislikes to summarily overrule any point he makes, but this matter has been decided several times, and at least once by Speaker Carlisle, who is universally admitted to be one of the greatest Speakers of the House. It has always been ruled against the contention of the gentleman from Tennessee, and, as the gentleman from New York [Mr. FITZGERALD] stated the matter exactly, the line of demarcation is that if the previous question is ordered on Friday it comes up as unfinished business on the next legislative day. If it is not ordered then, it will go over until the next Friday on which the committee has the right of way. The unfinished business is House bill 27475. When the House adjourned last night the previous question had been ordered on the bill and amendments to the final passage. Then the gentleman from Georgia [Mr. RODDENBERRY] made a motion to recommit with instructions, and the gentleman from New York [Mr. FITZGERALD] raised the point of order that the bill

was not in the stage where a motion to recommit could be offered, and the gentleman from Missouri [Mr. RUSSELL] made a motion for the previous question on the motion to recommit.

The question had never been raised before during the service in the House of the present occupant of the chair, and the practice of the House has been to offer the motion to recommit after the third reading of the bill. On a hasty reading of the rule it seemed to indicate that the motion to recommit might be offered at any time after a bill was reported back to the House, and the rule itself would bear that construction, so the Chair ruled that the gentleman from Georgia [Mr. RODDENBERRY] had the right to offer it when he did.

Since that the Chair has investigated the matter and is quite certain that the gentleman from New York [Mr. FITZGERALD] was right and the Chair was wrong in that ruling and that the motion to recommit is not in order until after the third reading. The Chair makes this statement so that nobody will quote the ruling made last night hereafter as a precedent.

The question is on agreeing to the amendments reported by the committee.

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. Does not the question recur on the roll call on the point of no quorum?

The SPEAKER. No; that has passed.

Mr. RODDENBERRY. Has the Speaker put the question whether a separate vote was demanded on any amendment?

The SPEAKER. No. The gentleman from Georgia asks unanimous consent to withdraw his motion to recommit. Without objection, it will be withdrawn.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RODDENBERRY. Mr. Speaker, I now offer the motion to recommit with instructions.

The Clerk read the motion to recommit, as follows:

Motion by Mr. RODDENBERRY:

"I move to recommit H. R. 27475 to the Committee on Invalid Pensions, with instructions to report the same back to the House with the following amendment:

"Strike out the following names from said bill wherever they occur: William Andrew, N. A. Ailer, E. B. Silcott, Daniel Wilson, P. L. Kenney, Wilson Murphy, Watson Boyden, William F. Ramsey, G. F. Slamps, M. J. Rengler, L. J. Wilkeson, William F. Mills, William D. Crawford, J. H. Rowland; women, Julia Rouse, Elizabeth Rutherford, Elizabeth Shock, Sarah Jefferson, Leah Jackson, Sarah Garber, Mary Brent, Sarah Sherman, Tilla Eckard."

The SPEAKER. The question is on the motion to recommit. The question was taken; and on a division (demanded by Mr. RODDENBERRY) there were 4 yeas and 93 noes.

Mr. RODDENBERRY. I make the point of order that no quorum is present.

The SPEAKER. Evidently there is no quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 46, nays 182, answered "present" 10, not voting 146, as follows:

#### YEAS—46.

Beall, Tex.	Edwards	Hay	Sims
Bell, Ga.	Ellerbe	Hefflin	Slayden
Blackmon	Evans	Henry, Tex.	Smith, Tex.
Burgess	Faison	Lamb	Stedman
Burnett	Finley	Lee, Ga.	Stephens, Miss.
Callaway	Flood, Va.	Lever	Stephens, Tex.
Candler	Floyd, Ark.	Macon	Tribble
Carlin	Garner	Morgan, La.	Watkins
Collier	Goodwin, Ark.	Page	Witherspoon
Dent	Gregg, Tex.	Richardson	Young, Tex.
Doughton	Gudger	Roddenberry	
Dupré	Harrison, Miss.	Sheppard	

#### NAYS—182.

Aincy	Broussard	Curley	Ferris
Akin, N. Y.	Brown	Currier	Fields
Alexander	Buchanan	Dalzell	Fitzgerald
Allen	Bulkley	Danforth	Foss
Ames	Burke, Wis.	Daugherty	Foster
Anderson	Burleson	Davenport	Fowler
Andrus	Byrns, Tenn.	Davis, Minn.	Francis
Anthony	Cannon	Denver	French
Austin	Cantrill	Dodds	Gallagher
Bartholdt	Clark, Fla.	Donohoe	Gardner, Mass.
Bates	Claypool	Doremus	Garrett
Bathrick	Cline	Draper	Gillett
Berger	Cooper	Dyer	Godwin, N. C.
Boehne	Cox	Esch	Goeke
Booher	Covington	Estepinal	Good
Borland	Cravens	Farr	Graham
Bradley	Cullop	Fergusson	Gray

Greene, Mass.	Kopp	Neeley	Sloan
Hamill	Korbly	Nelson	Smith, J. M. C.
Hamilton, Mich.	La Follette	Norris	Smith, N. Y.
Hamilton, W. Va.	Langham	Nye	Stanley
Hamlin	Lawrence	Padgett	Steenerson
Hammond	Lee, Pa.	Patton, Pa.	Stephens, Cal.
Hardwick	Lenroot	Pepper	Stephens, Nebr.
Harris	Levy	Post	Sterling
Haugen	Littlepage	Pou	Stone
Hawley	Lloyd	Powers	Sweet
Hayden	Lobeck	Pray	Switzer
Hayes	Loud	Prince	Taggart
Helgesen	McDermott	Raker	Talcott, N. Y.
Helm	McGillicuddy	Rauch	Thistlewood
Hensley	McKenzie	Rees	Thomas
Higgins	McKinley	Reilly	Tilson
Holland	McKinney	Riordan	Towner
Houston	McLaughlin	Roberts, Nev.	Tuttle
Howland	Madden	Rodenberg	Underhill
Humphrey, Wash.	Maguire, Nebr.	Rothermel	Volstead
Jackson	Matthews	Rouse	Warburton
Kahn	Miller	Rubey	Wills
Kendall	Mondell	Rucker, Colo.	Wilson, Ill.
Kennedy	Moon, Tenn.	Russell	Wilson, Pa.
Kindred	Morgan, Okla.	Scott	Wood, N. J.
Kinkaid, Nebr.	Morrison	Sharp	Young, Kans.
Kinkead, N. J.	Moss, Ind.	Sherwood	Young, Mich.
Knowland	Murdoch	Simmons	
Konop	Murray	Slemp	

## ANSWERED "PRESENT"—10.

Adamson	Dwight	Hinds	Stevens, Minn.
Bartlett	Glass	Jones	
Carter	Hardy	Mann	

## NOT VOTING—146.

Adair	Gardner, N. J.	Linthicum	Reyburn
Aiken, S. C.	George	Littleton	Roberts, Mass.
Ansberry	Gill	Longworth	Robinson
Ashbrook	Goldfogle	McCall	Rucker, Mo.
Ayres	Gould	McCoy	Sabath
Barchfeld	Green, Iowa	McCreary	Saunders
Barnhart	Greene, Vt.	McGuire, Okla.	Scully
Brantley	Gregg, Pa.	McKellar	Sells
Browning	Griest	McMorran	Shackleford
Burke, Pa.	Guernsey	Maher	Sherley
Burke, S. Dak.	Harrison, N. Y.	Martin, Colo.	Sisson
Butler	Hart	Martin, S. Dak.	Small
Byrnes, S. C.	Hartman	Mays	Smith, Saml. W.
Calder	Heald	Merritt	Smith, Cal.
Campbell	Henry, Conn.	Moon, Pa.	Sparkman
Cary	Hill	Moore, Pa.	Spear
Clayton	Hobson	Moore, Tex.	Stack
Conry	Howard	Morse, Wis.	Sulloway
Copley	Howell	Mott	Talbot, Md.
Crago	Hughes, Ga.	Needham	Taylor, Ala.
Crumpacker	Hughes, W. Va.	Oldfield	Taylor, Colo.
Curry	Hull	Olmsted	Taylor, Ohio
Davidson	Humphreys, Miss.	O'Shaunessy	Thayer
Davis, W. Va.	Jacoway	Palmer	Townsend
De Forest	James	Parran	Turnbull
Dickinson	Johnson, Ky.	Patten, N. Y.	Underwood
Dickson, Miss.	Johnson, S. C.	Payne	Vare
Dies	Kent	Peters	Vreeland
Difenderfer	Kitchin	Pickett	Webb
Dixon, Ind.	Konig	Plumley	Weeks
Driscoll, D. A.	Lafean	Porter	Whitacre
Driscoll, M. E.	Lafferty	Prouty	White
Fairchild	Langley	Pujo	Wilder
Focht	Legare	Rainey	Wilson, N. Y.
Fordney	Lewis	Randell, Tex.	Woods, Iowa
Fornes	Lindbergh	Ransdell, La.	
Fuller	Lindsay	Redfield	

So the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. PALMER with Mr. HILL.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. LITTLETON with Mr. DWIGHT.

Until further notice:

Mr. SABATH with Mr. REYBURN.

Mr. CLAYTON with Mr. DE FOREST.

Mr. UNDERWOOD with Mr. MANN.

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. PUJO with Mr. MCMORRAN.

Mr. PATTEN of New York with Mr. MCCALL.

Mr. O'SHAUNESSY with Mr. MOON of Pennsylvania.

Mr. SCULLY with Mr. BROWNING.

Mr. GREGG of Pennsylvania with Mr. WOODS of Iowa.

Mr. GOULD with Mr. HINDS.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. TURNBULL with Mr. LANGLEY.

Mr. CONRY with Mr. MICHAEL E. DRISCOLL.

Mr. SAUNDERS with Mr. MARTIN of South Dakota.

Mr. AIKEN of South Carolina with Mr. BARCHFELD.

Mr. ANSBERRY with Mr. BURKE of South Dakota.

Mr. ASHBROOK with Mr. BURKE of Pennsylvania.

Mr. AYRES with Mr. CALDER.

Mr. BARNHART with Mr. CAMPBELL.

Mr. BRANTLEY with Mr. COPLEY.

Mr. BYRNES of South Carolina with Mr. CURRY.  
 Mr. DAVIS with Mr. CRAGO.  
 Mr. DICKINSON with Mr. CARY.  
 Mr. DIES with Mr. CRUMPACKER.  
 Mr. DIFENDERFER with Mr. FOCHT.  
 Mr. DIXON of Indiana with Mr. FORDNEY.  
 Mr. DANIEL A. DRISCOLL with Mr. FULLER.  
 Mr. GEORGE with Mr. GREEN of Iowa.  
 Mr. GOLDFOGLE with Mr. GREENE of Vermont.  
 Mr. HARRISON of New York with Mr. GUERNSEY.  
 Mr. HART with Mr. GARDNER of New Jersey.  
 Mr. HOWARD with Mr. HARTMAN.  
 Mr. HUGHES of Georgia with Mr. HEALD.  
 Mr. HULL with Mr. HENRY of Connecticut.  
 Mr. HUMPHREYS of Mississippi with Mr. HOWELL.  
 Mr. JACOWAY with Mr. LAFFERTY.  
 Mr. JAMES with Mr. LONGWORTH.  
 Mr. JOHNSON of Kentucky with Mr. HUGHES of West Virginia.  
 Mr. JOHNSON of South Carolina with Mr. MCCREARY.  
 Mr. KITCHIN with Mr. MERRITT.  
 Mr. KONIG with Mr. MOORE of Pennsylvania.  
 Mr. LEWIS with Mr. MOTT.  
 Mr. LINTHICUM with Mr. NEEDHAM.  
 Mr. MCCOY with Mr. OLMSTED.  
 Mr. MCKELLAR with Mr. PICKETT.  
 Mr. MAHER with Mr. PLUMLEY.  
 Mr. OLDFIELD with Mr. PORTER.  
 Mr. PETERS with Mr. PAYNE.  
 Mr. RAINEY with Mr. PROUTY.  
 Mr. RUCKER of Missouri with Mr. ROBERTS of Massachusetts.  
 Mr. SHACKLEFORD with Mr. SAMUEL W. SMITH.  
 Mr. SISSON with Mr. SPEER.  
 Mr. SMALL with Mr. SMITH of California.  
 Mr. TAYLOR of Alabama with Mr. SELLS.  
 Mr. SHERLEY with Mr. SULLOWAY.  
 Mr. TOWNSEND with Mr. TAYLOR of Ohio.  
 Mr. WEBB with Mr. VARE.  
 Mr. WHITE with Mr. VREELAND.  
 Mr. WILSON of New York with Mr. WILDER.  
 Mr. FORTNES with Mr. WEEKS.  
 Mr. BARTLETT. Mr. Speaker, did the gentleman from Pennsylvania, Mr. BUTLER, vote on this roll call?  
 The SPEAKER. He did not.  
 Mr. BARTLETT. Having a pair with the gentleman from Pennsylvania, I desire to withdraw my vote of "yea" and answer "present."  
 The name of Mr. BARTLETT was called, and he answered "Present."  
 Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote of "nay" and be recorded "present."  
 The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

## LEAVES OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. FIELDS, indefinitely, on account of illness in family.

To Mr. DYER, for six days, on account of public business.

To Mr. RANDELL of Texas, indefinitely, on account of illness in family, instead of illness of self.

## POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 27148) with Mr. GARRETT in the chair.

Mr. MOON of Tennessee. Mr. Chairman, I am not inclined to enter into a lengthy discussion of this bill. Indeed, there is very little I desire to say about it, because the report shows the amounts of the estimates in the appropriations in the previous year and the recommendations of the committee this year in each of the departments of the Post Office Department. There is no new legislation in this bill except one or two small features. The committee has thought it best not to increase the salaries of the higher officials nor to place too many men in the grade



where the higher officials are, but rather to give an increase in compensation of the laborers and workmen who receive less than \$750 a year. We have raised the salary of those lower officials from \$650 to \$720 and added 150 men to the \$840 grade of laborers. There is other new legislation seeking to make the initial salary of clerks \$800 instead of \$600, the committee being of the opinion that \$600 is too low a salary at this time under the present cost of living for any employee of the Government charged with the important duties of the service.

The last Post Office appropriation bill carried \$271,429,589. The department's estimates for the fiscal year ending June 30, 1914, are \$281,791,508. The committee has recommended \$278,489,781, or less than the department estimates by about \$3,000,000. The deficiencies reported this year are about \$2,000,000, or a little in excess of the last fiscal year, as far as can be estimated. I shall ask to be placed in the RECORD as part of my remarks a report on this bill giving in detail the appropriation for the year 1913, the estimates for 1914, and the committee recommendations under the present bill in parallel columns.

Mr. TILSON. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Tennessee [Mr. Moon] yield to the gentleman from Connecticut [Mr. TILSON]? Mr. MOON of Tennessee. I will.

Mr. TILSON. May I ask the gentleman if there is anything further done in this bill about the supervisory clerks of the Post Office Department? Last year, upon the recommendation of the department, the committee appropriated for an increase in salary for a number of the supervisory clerks in the larger post offices.

Mr. MOON of Tennessee. There has been no increase of salaries. There has been an increase in the number of them.

Mr. TILSON. And that is an equivalent to raising the salary of a number of employees?

Mr. MOON of Tennessee. In the general promotion scheme.

Mr. TILSON. There has been an increase in the number?

Mr. MOON of Tennessee. Yes. The gentleman will find in the hearings a rather explicit statement as to the increases and the number of increases will be shown in the tables which you can find in the hearings in detail.

Mr. TILSON. An increase somewhat this year over the year before?

Mr. MOON of Tennessee. I think substantially so.

Mr. BARTLETT. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Tennessee [Mr. Moon] yield to the gentleman from Georgia [Mr. BARTLETT]? Mr. MOON of Tennessee. I yield to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I desire to ask the gentleman if this increase of post-office inspectors is sufficient to meet the demand for the establishment of new, and extension of, rural routes? For quite a number of years we have had complaints about failure to give as prompt attention to these applications as should be given, and the reason alleged for it was want of sufficient inspectors to perform the work under the new applications.

Mr. MOON of Tennessee. We have now 391 inspectors—

Mr. BARTLETT. Three hundred and ninety-five.

Mr. MOON of Tennessee. Three hundred and ninety-five; but there are four vacancies, I believe. There are 391 inspectors now in the field, as I understand it. We have not increased the number of inspectors, nor have we increased the salary of them. There are some reasons, in the opinion of some of the committee—however, they are not presented and will not be insisted on in this bill—why it is possible that force could be reduced, perhaps later on, 25 or 30 per cent instead of increased.

Mr. BARTLETT. I notice the gentleman in the bill makes especial provision for the services of these men as to the business of investigating—

Mr. MOON of Tennessee. The gentleman is aware that we have been covering in the rural service a number of star routes and will continue to do so. That is in a measure a policy of the department as I understand it. The number of routes I have just forgotten, but there are two hundred and sixty and odd, I believe, that have been established, and perhaps a similar number that are ready to be put into operation. I do not think there is any dearth of inspectors necessary for the purpose of carrying on any of the service—the rural service or any other.

Mr. BARTLETT. The gentleman is aware, however, that there has been some just cause for complaint in the delay of establishment of rural routes for several years past?

Mr. MOON of Tennessee. That may be, but so far as this committee is concerned there is nothing that has come before it that justifies it in bringing any matter of that kind before

the House. It is a matter of administration, whether good or bad. It is not for us to determine.

Mr. BARTLETT. Does the gentleman take into consideration whether or not the new duties of inspectors in appointing fourth-class postmasters would necessitate an increase of duties or the number of inspectors?

Mr. MOON of Tennessee. No; we have not taken that into consideration, and we hope not to be forced to take that into consideration. We hope the good judgment of this House will set aside such a condition ultimately.

Mr. GARNER. May I ask the gentleman whether in the establishment of rural free delivery routes any information has come to his committee of a greater restriction in the establishment of new routes than ever before by the department?

Mr. MOON of Tennessee. Well, the department, as I have said before, has been converting some of the star routes into rural free-delivery routes, but it has not established a great many.

Mr. GARNER. But may I ask the gentleman if it is not a fact, from the information he gets, that the department is not inclined to be as liberal in the establishment of rural free-delivery routes as it was a year or two ago?

Mr. MOON of Tennessee. I think that is true, but whether it is so really or not I do not know.

Mr. GARNER. I want to say that, in my judgment, they are not justified in that attitude, because I happen to represent a section of country that is developing very fast, and this policy of the department in holding back and refusing the establishment of rural free-delivery routes is materially injuring the section of country I come from. The older sections of the country, such as the Middle States—Ohio, Indiana, and Illinois—have been completely covered, and it seems to be the policy of the department to refrain from establishing rural free-delivery routes in the newer sections of the country wherever it can find any kind of an excuse for refusing.

Mr. MOON of Tennessee. If the gentlemen interested in this subject will refer to the hearings had before the committee, in the last part of the hearings on the subject of rural routes, commencing on page 93 and following, they will find a detailed statement of the routes in operation, the routes proposed, and the routes discontinued, by States, and the star routes covered into the Rural Service. You will find that we have in operation something over 42,000 of these routes. But I regret to say that if you will refer to the financial reports of the Government you will find a loss to the revenues of the United States on account of the Rural Free Delivery Service for the last fiscal year of something more than thirty millions of money.

Mr. GARNER. Is it not a fact, Mr. Chairman, if the gentleman will again yield—

Mr. MOON of Tennessee. I yield.

Mr. GARNER. That Congress increased the allowance for rural free-delivery routes over the estimates of the department?

Mr. MOON of Tennessee. Yes.

Mr. GARNER. And that the department, in willful violation of the judgment of Congress, refused to expend that money in establishing rural free-delivery routes in the United States, and that it had a considerable surplus of that money left over which went back into the Treasury?

Mr. BARTLETT. It was a million and a quarter dollars.

Mr. MOON of Tennessee. I am advised that that is true.

Mr. GARNER. Does the gentleman think that the Post Office Department has the right, after the matter has been thoroughly discussed, to ignore the judgment of Congress as to the policy of establishing rural free-delivery routes?

Mr. MOON of Tennessee. No; of course I do not think the department has the right to ignore the law of the land, but I notice that in the administration of the law the man who has the last construction determines it.

Mr. GARNER. And therefore the executive department's judgment is taken rather than that of the legislative department.

Mr. MOON of Tennessee. It is in this affair.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee [Mr. Moon] yield to the gentleman from Georgia?

Mr. MOON of Tennessee. I yield to the gentleman from Georgia.

Mr. BARTLETT. The gentleman from Tennessee will remember that the last time this appropriation bill was before the House the evidence before the committee from the Fourth Assistant Postmaster General as to the reason given for the delay was that the inspectors had been occupied mainly with other matters connected with the service than the Rural Free



Delivery Service, notably the frauds connected with the postal service?

Mr. MOON of Tennessee. That is so.

Mr. BARTLETT. So that the endeavor is to remedy the cause assigned a year ago?

Mr. MOON of Tennessee. So far as legislative action can do so; yes.

Mr. BARTLETT. Now, I would like to ask the gentleman another question. The gentleman's committee has not increased the pay to the railroads for carrying the mails in this bill?

Mr. MOON of Tennessee. No, sir; it has not.

Mr. BARTLETT. Has the attention of the committee been called to the fact that an increase of expense has been occasioned by reason of the parcel-post law? As I understand, a commission has been appointed, which is now investigating that question; and the committee has not done anything about it, either to reduce or increase it, but awaits the coming of the report of that commission before acting?

Mr. MOON of Tennessee. I will state to the gentleman from Georgia in that connection that that commission which was appointed has not yet acted; that the department submitted to this committee a document, known as Document No. 105, on the subject of railway mail pay, from a study of which it seems that about nine millions of money might be saved to the Government of the United States by the reduction of railway mail pay. But apparently the department has receded from that position, and we are at a loss to know just what reduction, if any, can be made, and consequently we await the action of the commission appointed by Congress on that subject.

But the railroad companies of the United States are demanding strenuously an increase of pay. Only an hour ago a demand was made in our office, for about the third time, that Congress take some action for an immediate annual weighing of the mails, upon which a basis of computation could be founded for pay, on account of the increased service brought about by the matter to be transported by parcel post.

Mr. BARTLETT. If the gentleman will permit me in this case, I would like to ask him one question, and then I shall not ask him further questions about it. I understand the committee is not in a position to give Congress information, because it is not accessible, as to what would be a just procedure in the reduction or increase of this pay, on account of the fact that the commission has not yet been able to report to Congress?

Mr. MOON of Tennessee. No. And I will say to the gentleman that there have been heretofore five commissions, and that, when the present one reports, in my opinion the situation will be very much like what it has been heretofore as to the method of computation and the manner of determination of railway mail pay, and the utter inability to get an account and statement annually on the basis of weighing for four years makes it likely that this House will still lack information that would enable it to come within \$15,000,000 of what the legitimate pay should be for transporting the mails under the present method of computation. The House and the Congress must sometime provide for some more definite method of payment for the transportation of the mails than that which now exists. That is a question that I want to speak about a little bit later.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. MOON of Tennessee. Yes.

Mr. LLOYD. I think perhaps the gentleman from Tennessee has not fully answered one point raised by the gentleman from Georgia [Mr. BARTLETT], and that is that the committee, notwithstanding the commission appointed, has in no way undertaken to add any compensation on account of the parcel post. The parcel post will add very materially to the work of the railroads. The railroads are now demanding that they should have additional pay on account of the additional work they have to perform by reason of the parcel-post law, but that proposition has not been acted upon by the committee.

Mr. MOON of Tennessee. I think the gentleman from Georgia has understood, and the House has perhaps understood, that this committee has added nothing in the way of railroad compensation on account of the parcel post, although this bill carries more than three millions of money that has been added to it as the direct result of the parcel post, the details of which I will give later on.

Mr. LLOYD. But not on account of pay to the railroads for transportation of the mails?

Mr. MOON of Tennessee. No; not on account of railway pay for transportation.

Now, Mr. Chairman, to take up this discussion for a few moments where I left off when interrupted, I want to say that we have forty-two thousand and some odd rural routes, and

we are operating the rural routes of the United States at a loss annually of about \$30,000,000.

Under the new law increasing the pay of rural carriers we are now paying \$1,100 for a standard route of 24 miles. The bulk of the routes are standard. There are 29,441 routes belonging to that class and 6,832 belonging to the next class, and the grades go down to 440 routes of from 2 to 4 miles.

There are petitions before our committee, containing more than 3,000,000 names, asking for 1-cent letter postage. Of course we all want to get the 1-cent letter postage if it is feasible to do it; but in the rush for that demand on the part of this House, and particularly the other body, certain facts ought to be kept in mind before you go too far in committing yourselves to a policy of that kind. It seems to me that 2 cents is almost little enough for anyone to pay for the carrying of a letter. It is estimated in the department that we have a surplus arising from the 2-cent letter postage of something like \$58,000,000. It is therefore argued that the letter writers who produce this great revenue to the Government through this instrumentality ought to have a reduction; in other words, that we ought to take the four divisions of the department, in which money is earned in some and lost in some, and devote the surplus of earnings, where there is a surplus, to a decrease of the postage rates, instead of devoting that surplus to defray the expenses of those divisions of the department which are not earning a profit. We lose \$30,000,000 annually on rural delivery. We lose \$20,000,000 annually on the carrying of second-class matter at the present rate of 1 cent a pound. By the way, 1 cent a pound is the result of a reduction from 2 cents, as the law once was, to 1 cent, meeting the same demand on second-class matter that is now being made with reference to first-class matter. It will be observed that if the losses upon these two classes of matter are to be recouped, and the Government is to be administered, so far as this department of it is concerned, without a deficit, then it is an impossibility to go to 1-cent letter postage without the loss of \$58,000,000 of revenue to the Government of the United States. I take it that no man in his private business, where it was necessary for him to retain certain departments in order to carry on the whole business, some losing and some making a great profit, would consent to withdraw the profit from those branches of his business which were profitable and place them somewhere else, instead of using those profits to maintain the departments that were earning nothing, yet were essential to the conduct of the whole business. No man could do that without quickly becoming a bankrupt; and except for the immense resources of the Government of the United States to-day, that would be the result if you should attempt to go too suddenly to a lower rate of postage on first-class matter.

The truth about it is that this House had as well meet the issue now as hereafter. You have to retain 2-cent letter postage for the present. You have to raise the postage on second-class matter above the figure that it now is, and, in my judgment, you have to make a readjustment of the railway mail pay, so that the people of the United States will not be carrying second-class matter for one-third of what it costs them to carry it and will not be paying more for transportation than ought to be paid. This Government does not desire to make any large amount of money out of the Post Office Department, but that department ought to be and can be made self-sustaining. With the proper economies exercised there, with a proper head of that department, who knows the law and the necessities of its administration, it can be made a great paying department, and it can be made of the greater service to the people of the United States of any instrumentality of the Government.

I recollect the smile that passed over this body when upon this floor 14 years ago I suggested, in the discussion of this bill, which then carried \$87,000,000, with a deficit of \$17,000,000, that by an increase of proper facilities to the people of the United States, by the improvement of the service and by a wise administration of it, and an extension of the service, in 15 years the appropriation for the Post Office Department would reach \$250,000,000 and a surplus be produced. Those years have about passed. This bill now carries \$278,000,000, and there is a contention whether there is a deficit of a few hundred thousand dollars or a small surplus.

If by the proper attention to the affairs of this department, by cutting down a number of useless offices in the department, by a proper training of the force, proper chiefs in the department, and a wise head to control all things in it, by a readjustment of these rural routes and the conversion of the star route into the rural free delivery system, the forcing of proper compensation for the carrying of second-class matter, the forcing of the railroad companies and other transportation companies to receive proper and legitimate pay, and an extension of the



service in the cities towns, and smaller villages, another 15 years—and I am not a prophet—will show this bill to carry over \$600,000,000 of money, and it ought to produce a profit of over \$60,000,000.

I did not intend to digress into this line of thought when I rose to speak. My only purpose was to call attention to some features of the bill, particularly in reference to some matters that the committee have thought wise to deal with in the way we have in this bill on the subject of the parcel post. That law, as you recollect, was only enacted in the last session, and went into effect on the 1st of January. If we are to credit the press and the unofficial information from the department, there has been an immense rush of business to the Government in the parcel post in the first zone of 50 miles.

There has not been, and will not be, and it was not intended, I take it, that there should be any very great amount of business developed in the other seven zones for the present until we have perfected the system now in its incipency under the report that is to come before a great while from the committee constituted for that purpose, and from the Postmaster General, which show the experimental work of this division. It is an immense service, and a great deal of money must yet be employed in carrying it out. I will call the attention of the House to a few matters of importance covering the aggregate amount of which I spoke awhile ago, of some \$3,000,000 to \$5,000,000 added to this bill on that account. This bill has but few large changes in amount, and a little increase growing out of the natural increase of the business, and the increases resulting from this system. For instance, we have been forced to add 2,400 clerks and employees in the first, second, and third class post offices of the United States, and this increase is chargeable largely to this service. Printers, mechanics, and laborers, 150 clerks. For contract stations we have added \$320,000 to that appropriation. Rent, light, and fuel for first, second, and third class post offices, not altogether, but partly on account of this service, \$500,000. Then there are several hundred thousand dollars in the miscellaneous items. Pay of letter carriers, largely on account of this service, \$2,107,000. Substitutes, due to parcel post and the eight-hour law—and that eight-hour law was a very wise provision for the men and for the Government, but it costs the Government money to enforce it—\$685,000 in this bill on that account.

For wagons, automobiles, and all vehicular service necessarily on account of the parcel post almost exclusively, \$550,000. Inland transportation by steamer routes in Alaska, the increase being due mainly to parcel post, \$258,300. Inland transportation by steamboat, estimated, of course, due to parcel post—and I call attention to the fact that this is not railway transportation—\$40,574.

Mail messenger service due mainly to parcel post, \$455,000. Railway wagon service, \$407,000.

Mail bags, \$47,500. Compensation to laborers, \$3,300. Mail locks and keys, \$3,000. Labor, mail lock shops, parcel post alone, \$15,000.

Mr. GILLETT. Will the gentleman yield?

Mr. MOON of Tennessee. I will.

Mr. GILLETT. Will the gentleman tell us how much of the total of this bill is caused by parcel post?

Mr. MOON of Tennessee. I can not tell exactly, because the department has never given us accurate information. The gentleman from Massachusetts will observe that the department is asking for \$281,000,000 of money and the committee has given them about \$279,000,000, and owing to some changes in the bill that would increase it a little over that, but it is safe to say that three-quarters of the increase is due to the parcel post.

Mr. GILLETT. Is not the gentleman from Tennessee mistaken, and has not the committee given more than the department estimated for?

Mr. MOON of Tennessee. No; it has given less by about three millions.

Mr. GILLETT. Three millions more than what the department estimated for?

Mr. MOON of Tennessee. No; three millions less than the department asked for. I will state to the gentleman from Massachusetts that while the appropriations are practically about \$3,000,000 less than the department asked for, the committee did not feel justified in complying with the demands of the department on this matter, because it is largely a matter of speculation as to what additional cost would accrue to the Government on account of this particular service, and, as it always is for the coming fiscal year as to the matter of increase of the general business, it can only be an estimate, and the committee to be on the safe side of these questions always cut the estimates.

There is included in the estimates the sum of \$750,000, which we are asked to make immediately available for the extension

of the parcel-post service, in addition to the things referred to in the bill. The committee could not give that. I have just received a telegram less than an hour ago from the Postmaster General urging that the \$750,000 be put in. It may be that it ought to be contained in the bill, but it is asked to be made immediately available. It is to supply a deficiency, and this House on a test vote a year ago held that this committee had not the jurisdiction; that the Committee on Appropriations had jurisdiction to supply deficiencies of that character. So we could not give now the \$750,000 in this bill.

Mr. GILLETT. The figures I have are: that the estimates were two hundred and eighty-one millions and something over, and the committee has appropriated \$283,000,000, or about \$2,000,000 more than the estimate.

Mr. MOON of Tennessee. No; the appropriations are \$278,489,781.

Mr. GILLETT. Is that on the second report?

Mr. MOON of Tennessee. That is the first report. That report is erroneous as to the amount. Increases were put on in the First and Second Assistants' office, put in since the report was first made, because an error was made in the printing of the bill by giving last year's items instead of the estimates, and it had to be revised and reprinted, and the increase would probably run the amount up to \$280,000,000 of money.

Mr. GILLETT. I have it figured up at \$283,000,000.

Mr. MOON of Tennessee. I do not think that is correct; but whether it is correct or not, that is the amount called for by the estimates.

Mr. GILLETT. The estimates are two hundred and eighty-one millions and the committee has given two hundred and eighty-three millions, or two millions more than the estimates. Now, I want to understand—

Mr. MOON of Tennessee. We have not given any more than the original estimates.

Mr. GILLETT. Of course the gentleman knows more about his bill than I do, and my figures may be wrong.

Mr. MOON of Tennessee. I will show the gentleman wherein he is wrong.

Mr. MANN. Will the gentleman from Tennessee allow me to make a suggestion which, I think, will explain the matter? The department in making the estimates estimates for so many clerks, and in the end also estimates for the total amount; that is, the amount that is carried in the bill. The Treasury Department, which the gentleman from Massachusetts follows, does not pay any attention to the total amount carried in the bill, but estimates the total appropriation by the number of clerks at certain salaries. If you take this year you must compare the same thing with last year. If you take the department's estimates as to the number of clerks, then the bill is less than the estimates.

Mr. MOON of Tennessee. These clerks do not go in all at once.

Mr. MANN. I understand; but I am speaking of the way the gentleman from Massachusetts arrives at his figures. The gentleman from Massachusetts takes the number of clerks estimated for and compares that with the total amount estimated for, and those two will not jibe.

Mr. MOON of Tennessee. I will say to the gentleman from Massachusetts that on a revision of the matter, in view of the uncertainty of the situation, we attempted to give to the department all we possibly could consistently, reserving, in our own judgment, a small amount in view of the fact that the estimates were generally sufficiently large. There are places where we have cut the estimates. Upon the face of the matter, while the original figures showed \$278,000,000, we made some increases, but not as much as the estimates.

Mr. GILLETT. May I ask the gentleman another question? This bill exceeds last year's bill by about \$12,000,000?

Mr. MOON of Tennessee. No; the amount last year was two hundred and seventy-one million and odd dollars.

Mr. GILLETT. The question I wanted to get at is: How much of that is due to the parcel post? Can the gentleman tell me that?

Mr. MOON of Tennessee. Last year?

Mr. GILLETT. No. How much of that excess of this year over last year is due to the parcel post?

Mr. MOON of Tennessee. The bill last year was for two hundred and seventy-one million and odd dollars, and this year it is \$278,485,000. That makes a difference of \$7,000,000 and something.

Mr. GILLETT. That is the first bill.

Mr. MOON of Tennessee. That is the first; and I take it that of those eight and a half million dollars there are about five and a half millions that are due to the parcel post. That would be the rough figures. I have here the various items chargeable

to the parcel post in the opinion, of course, of the gentlemen having the matters in charge, and they have given their best judgment.

I will now proceed to state some of the items further under the fourth assistant's office that are chargeable to that service. There is an addition of \$5,000 for stationery in money-order offices, \$5,000 for registry, and \$2,500 for blank books and printed matter. Letter balances and scales, which they had to buy for the parcels post, \$100,000. Facing slips, \$5,000. Purchase, exchange, and repair of typewriters, \$5,000. Inland transportation by star routes due to the parcels post, \$73,000.

I have not attempted to give to this House any elaborate explanation or discussion of this bill. I have prepared nothing upon that subject. In view of the fact that the last bill contains so much legislation, and this one so little that is new, I think the House will have no trouble in reaching the amount of money that ought to go to these departments. When the bill is taken up by items, if it is desired, if the committee is able to do so, we shall try to give Members some further explanations.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. MOON of Tennessee. Certainly.

Mr. CANNON. Mr. Chairman, I do not know that I correctly caught the gentleman's remark in reply to the gentleman from Georgia [Mr. BARTLETT], touching the increase of inspectors in view of the late order that brings the southern and western portions of the country, as to fourth-class postmasters, into the classified service. I understood the gentleman to say that no allowance was made from that standpoint, and that he apprehended, I take it upon this bill, to take those officials out of the classified service by legislation.

Mr. MOON of Tennessee. No; I did not mean to convey the idea that there would be any attempt in this bill to take those gentlemen out of the classified service. I meant simply to say that the 390-odd men are now employed, and that they have not any more work than they ought to do, or, in my opinion, as much work as they ought to do; and that they can perform all the duties incumbent upon them without any increase in number on account of this proposed change; and I expressed simply the hope that matters might be so adjusted before a great while that it would not be necessary for inspectors to have anything to do with the appointment of fourth-class postmasters.

Mr. CANNON. The gentleman had in view, of course, the thought that the order of the President should be revoked.

Mr. MOON of Tennessee. I hope the President will revoke that civil-service order, and hope so with all my soul. I think it is wrong.

Mr. CANNON. Including the northern and eastern parts of the country?

Mr. MOON of Tennessee. Yes. I would not have the northern and eastern part of the country treated any differently than the southern. I want to say to the gentleman that, in my opinion, this Government ought not to be put to one cent of expense of any character on account of fourth-class postmasters. If the postmaster is appointed and he is required to buy the equipment of his office and account for it at the end of the year and make a settlement with the auditor here, paying for that equipment, having given a bond and security to protect it, and he obtains the amount of money that is due him, there will be no expense in the world to the Government of the United States except the mere keeping of the accounts; while under the present system and under the proposed system hundreds of thousands of dollars will be wasted in a useless investigation of an office that needs no investigation. It is so plain and so simple and so easily managed that any business man could carry the whole on his books with no other cost than his entry with a perfect protection under bond.

Mr. CANNON. If the gentleman will permit me, I would suggest that as to the order placing all territory north of Mason and Dixon's line and east of the Mississippi River, as to fourth-class postmasters, in the classified service, leaving the fourth-class postmasters south of that line and west of the Mississippi River out of the classified service, there are people who profess to believe that the order very seriously affected the political condition in 1908 and 1912. If I may be pardoned by the gentleman, I would say further that I am inclined to believe that the order as it was made under the last administration as to a part of the country has worked well, and I think it would have worked much better if it had covered all the country instead of a part of the country.

Mr. MOON of Tennessee. Mr. Chairman, it is always with great deference that I disagree with the distinguished gentleman from Illinois. I do not believe that that last Executive order covering, without examination, one-fourth of the post-

offices of the fourth class into the civil service was just or right, not merely on account of the condition and circumstances under which it was made, but I believe it is intrinsically wrong in the application of the civil-service proposition to say that men in office, ignorant as most of them are in fourth-class offices, never having had an examination, shall remain in those offices until death or removal for cause, and that then the successor must be put to the rigid test of a civil-service examination. Really there is no examination needed for a fourth-class postmaster. Any man who knows how to measure calico and to weigh sugar and nails can keep a fourth-class post office, and there is no sense in these inspectors, as I have said, putting this country to expense by their operations of hundreds of thousands of dollars when the measure to which I have referred, if adopted, would save it.

Mr. CANNON. Mr. Chairman, I quite agree with the gentleman in what he has just stated, and I further agree with him that the force of inspectors is quite large enough.

Mr. MOON of Tennessee. Yes; I think it is. I think ultimately it will have to be cut down.

While on that question of civil service, I am aware that it is a very good thing where the service that an employee must perform is intricate in its character and where the specific or special information he must have is needed for the benefit of the Government. In such case it is well that some system prevail by which he be held in office in order that the most beneficial service may be rendered to the Government of the United States. But I do believe the time has come in this country when it must be democratic in the broad sense of the word, when it must be republican in the broad sense of the word, and whatever you may say about the issues and the controversies that arose from questions fundamental in their nature in the last contest, the American people have arisen to the knowledge of the fact that they have not and never have had a Republic in the United States. To-day the central Federal power under the Constitution is greater than any power exercised by any monarchy in all Europe. These conditions ought not to exist. This ought to be a government of law under the Constitution and not of men clothed with power to appoint men all over the 48 great States contrary to the will of the people. I know of no reason in good morals or in justice why a Republican President could place in post offices throughout the South, where the people are Democratic, men who are offensive to those people, and force the people to submit to the service. I know of no just reason why, if the voice of the people must rule in this Government, if local self-government amounts to anything, if the citizen is an integral factor in the Government, and has the voice of a sovereign, this Democratic administration coming into power should be clothed with the right to impose upon the people or a State that is Republican to the core Democratic officials who would be offensive to them.

The truth is that of all the hundreds of thousands of officers in the United States there is but one officer who is chosen by the people, and that is the Representative in Congress. Your President is chosen by electors. Your Senators are chosen by the legislatures, and the people have no voice in anything under any condition. This is in a sense monarchy pure and simple. We do violence to our intelligence in talking the senseless jargon that this is a great Republic in which the people rule. Why is it that under the law to-day your Constitution is the shield of despotism? Truly, the fathers did not intend that this Republic should remain for centuries like the initial Republic struggling with monarchy for existence, but they intended the development and progress of American institutions. Why can you not elect your marshal in the district in which he serves and have the votes certified to the President for his commission? Why can you not elect your district attorney in the same way? Why is it you can not select your collector of customs in the same way? Why is it you can not elect your postmasters within the territory of the patrons who are served by that office in the same way?

If you were to do this, you could claim some of the privileges of Government, some of the rights of citizens who vote at the ballot box, and some of the demands that we are ever insisting upon in local self-government might and would be recognized. Participation by the people in the selection of these officials would draw them closer to the Federal institution. There would be no longer any jealousy against the Federal Government. The people would feel toward it, when participating in its affairs, as they do in State affairs—that same loyal devotion and love, that same exalted patriotism, that men feel for the States in which they live and in which they first saw the light. We need in these United States the growth of a sentiment that draws the people to the flag of the Republic and unifies a Nation from one end to the other, and nothing but the right of the citizen



to participate as a citizen at the ballot box in the affairs of his country will ever obtain it. [Applause.]

Mr. CANNON. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Tennessee [Mr. Moon] yield to the gentleman from Illinois [Mr. Cannon]?

Mr. MOON of Tennessee. I yield to the gentleman from Illinois.

Mr. CANNON. As I understand it, while I agree with much that the gentleman says so far as sentiment is concerned, the true and genuine reformer who wants the people to rule is for the short ballot, substantially as it exists in the State of New Jersey, where, if I understand it aright, the governor when elected has, perhaps more than a governor in any other State of the Union, the patronage by way of appointments. And the reason I interrupt the gentleman is to say that in my State the ballot at the last election was as long as these two desks in the country districts, to say nothing about the size of the ballot in Chicago and other large cities, and broader than the desk, containing the names of many candidates for many offices. Now, while I, too, believe in the rule of the people and the settlement of the policies of the Government at the ballot box, I will ask the gentleman if he goes the length of the true and genuine reformer that wants the people to rule and who declares for the short ballot? For instance, would he elect a President and let him appoint everybody substantially, except where the Constitution would prevent, and where, carried into the States, would spread over them substantially the condition which exists in New Jersey, which, I understand, involves the short ballot?

Mr. MOON of Tennessee. I do not favor the short ballot if that is the result of it, and I would favor a constitutional amendment that would do away with the short ballot if it brings that condition of things. The truth is, Mr. Chairman, that in this country a genuine democracy, a genuine republican idea, is no longer prevailing in the minds of many of the people. They are not caring about these questions in some sections so much as they are about other questions that are destructive of the welfare of Government. I speak not of the majority but of the minority of the people of the United States. Whenever you begin that policy of Government under institutions like ours, where the State, separate from the Federal Government and sovereign and supreme within its powers under the Constitution, and where the Federal Government of limited power is supreme to the extent of the delegated power, and that fairly implied from it, more trouble can arise, more complex situations can come, than from a Government single in form.

The CHAIRMAN. The Chair will inform the gentleman that he has occupied an hour.

Mr. MOON of Tennessee. Then I will yield to myself more time, as I control it all. [Laughter.]

We find here and there throughout this country men who do not believe in law and order, men who advocate certain positions that seemingly are very popular, for the purpose of producing and bringing about a situation of chaos, where law and order may be overthrown.

I do not like to say it, because so many good people believe in it and think it is right, but the doctrine of the recall of judges is anarchy. That is all it is. There is no use to discuss that question. The doctrine of the initiative and referendum, while not anarchy, is not a good method of government, and if the people had the right to pass upon all these offices that I speak of immediately and recognize these officials as their immediate creatures for the control of their affairs, the people would not desire to initiate legislation, and they would not desire the referendum except when some great question arose that affected them as a whole, except when a controversy arose over something like your prohibition propositions in your States. They might want it then, but otherwise it would scarcely ever be demanded.

It may be said further, too, while discussing this question in connection with the post-office proposition, that we ought to have, and most of us do have, a profound respect for the administrators of the law. If law be discarded, the Government is lost, anarchy prevails, and disaster and ruin follow throughout the land. But while we may love the law and its enforcement, and while we may have the profoundest respect for its judges, one of the greatest dangers, in my opinion, to-day is over-reverence in some sections of the judicial official. I think that he ought to be with the law, but not above it; that he ought to be with the people and hold the law with the people, but never above the people. I see no reason why a judge of a circuit court of the United States and a judge of a district court of the United States might not be elected for a term of 10, 12, or 15 years and rendered ineligible afterwards, and make a better official, or as good a one at least, for all the people as the man who holds a tenure for life. I do not believe in any

tenure for life in any office, unless that tenure is given to the official in successive elections by a majority of the people at the ballot box. We ought not to have any positions in this country of a life tenure. We ought not to have but few, if any, positions that the people do not pass upon.

May I say, here and now—and I would not have said anything on this question but for the suggestion of the gentleman from Illinois—that I hope the day is not far distant when the American people will have more participation in their government than they have now, when they can go to the ballot box with the same pride for the Republic that they have for their States when they go to cast their ballots for their State officials, and that they may no longer feel that the Government of the United States is foreign and alien to them, but that it is their own, established to protect and defend their rights and liberties and their posterity forever. [Applause.]

Mr. MONDELL. Mr. Chairman, before the gentleman takes his seat I would like to ask him a question.

The CHAIRMAN. Does the gentleman yield?

Mr. MOON of Tennessee. I yield.

Mr. MONDELL. May I ask the gentleman a question in regard to the bill? I have been waiting for some time to secure some enlightenment in regard to the provisions of the bill.

Mr. MOON of Tennessee. Yes.

Mr. MONDELL. I notice in the estimates of the department that they estimate that the new parcel-post system will increase the cost of the routes in Alaska 100 per cent. They estimate that the parcel post will increase the cost of inland transportation by steamboats 5 per cent; that it will increase the mail messenger service 25 per cent; that it will increase the railway pay 5 per cent; that it will increase the cost of railway post-office car service 20 per cent; and that the committee has granted in the main those estimated increases—not to the full amount, but very largely.

Mr. MOON of Tennessee. The gentleman will recollect that I myself read all those items awhile ago.

Mr. MONDELL. I did not finish my question. When you came to the item of star routes, the increase in the estimate is only 1 per cent, and that in spite of the fact that the star-route service is the only service in connection with which the readjustment of pay was specifically provided for by the parcel-post bill. The increase there is only 1 per cent. Does the chairman think that increased appropriation of 1 per cent is going to be sufficient both to meet the demands for readjustments on the star routes and to provide for the increased cost on star routes in connection with the parcel post?

Mr. MOON of Tennessee. I did not quite catch the point of the question. I heard the statement of facts, but what is the question?

Mr. MONDELL. Briefly, the committee has increased the appropriation for star routes 1 per cent.

Mr. MOON of Tennessee. That is \$73,000. Of course, it is about 1 per cent.

Mr. MONDELL. It is only 1 per cent of the cost?

Mr. MOON of Tennessee. Yes.

Mr. MONDELL. On account of the estimated increase due to the cost of the parcel post?

Mr. MOON of Tennessee. Yes.

Mr. MONDELL. Does the chairman believe that an increase of 1 per cent is going to be sufficient to meet the demands for readjustments and to meet the increased cost of the service by reason of the parcel post?

Mr. MOON of Tennessee. Well, the gentleman has observed, no doubt, that the star-route service is being covered into the rural-route service to a considerable extent, and he will observe also that while for inland transportation by star routes \$73,000 additional is given, that is all that has been asked for by the department in this particular line. For the methods of handling the mails very large sums have been asked for here, and are used, and will be used for this service. You can not separate the service in any one particular item. The parcel post is a general service.

Mr. MONDELL. But there is no other item in the bill the appropriation for which can be used for the pay of star-route carriers. This is the only one.

Mr. MOON of Tennessee. The purpose of the department, I take it, in asking so little is that they want to reduce these star routes right along and cover them into the rural service.

Mr. MONDELL. That might be done, provided they established Rural Delivery Service, but in my State we have practically no rural routes. There is no such thing as changing on any considerable scale the star routes to rural routes, and we have a constantly increasing demand for rural star service.

Mr. MOON of Tennessee. I will say this to the gentleman: I do not know, of course, just what was in the minds of the



department officials in making this estimate. The committee in passing upon estimates usually does not give more than the department asks for. We yield to them the credit of asking for as much as they ought to have. The star route is a contract service, and we do not change by the law any of these contracts at all. While it may be true that a greater burden will be placed upon the men carrying the mail in the contract service than heretofore, on account of the parcel post, we have made no provision for it, and I do not think any is necessary to be made for it, for the reason that in all these contracts the right exists in the Government to alter, change, and amend them as the Government sees fit. The department, of course, can add to the compensation if it desires, or to the contracts if there is any great burden imposed upon them. I assume that the department thought this \$73,000 would meet an emergency of that sort until next year.

Mr. MONDELL. During the hearings, in answer to a question of the gentleman from Missouri [Mr. LLOYD], an official of the department who appeared before the committee himself suggested that this was a very, very small increase, and it seems to me that it is a very small increase, if the Chairman will allow me, when we take into consideration first—

Mr. MOON of Tennessee. That was the estimate of the department, was it not?

Mr. MONDELL. When we take into consideration the fact that this is the cheapest of all the branches of the postal service, and, second, that the star-route carrier suffers in two ways. First, heretofore he has been carrying small parcels and has been paid for such carriage, and practically all of these contracts are let in expectation of some revenue from that source and in some cases a considerable revenue from that source. Otherwise the contracts could not be let so low. Second, the parcel post not only deprives him of that source of income, but places on him the burden of carrying an additional weight, without any increase in his contract pay.

Mr. MOON of Tennessee. Which the Government might adjust by changing the contracts, however.

Mr. MONDELL. There is authority to do that carried in the parcel-post bill, and what amazes me is that, while we give the postal-car service 25 per cent increase, while we give Alaska 80 per cent increase, while we give the mail messenger service 10 per cent increase, while we give the railroads 5 per cent increase, and the steamboats 5 per cent increase in the appropriations, it is proposed to give but 1 per cent increase to the men who suffer the most.

Mr. MOON of Tennessee. You mean the contractors on the star routes?

Mr. MONDELL. The contractors on the star routes lose both ways. They lose in the loss of revenue and they lose in the additional weight to be carried, requiring, in many instances, more live stock to carry the route.

Mr. MOON of Tennessee. But they are in a position that the others are not in. They occupy a contractual relation with the Government, by which changes can be made.

Mr. MONDELL. By which the Government treats them as it should not treat any of its employees. By reason of the fact that the Government contracts with these people, it sometimes grinds them down in a way that would shame the meanest sweat-shop operator in the world.

Mr. MADDEN. If the chairman will allow me, the fact of the matter, as far as I understand it from all that has taken place in the consideration of this question, is that the amount of star-route service to be performed during the coming year is to be very much curtailed and the amount of rural delivery service very much enlarged, and because of the enlargement of the one and the curtailment of the other the increase in the star-route service is to be a much smaller percentage of increase than in other lines of service that are not to be affected by the increase in the Rural Delivery Service.

Mr. MOON of Tennessee. I suggest to the gentleman from Wyoming that if he has any facts and figures that show petitions for increases over the department's estimate for star-route service, we would be glad to hear from him when we come to that item in the bill.

Mr. MONDELL. If the gentleman will allow me just a moment of his time to reply to the gentleman from Illinois—

Mr. MOON of Tennessee. I promised to yield to others and I can not occupy the floor longer.

Mr. MONDELL. I want to reply to the gentleman from Illinois [Mr. MADDEN], who evidently does not understand the situation.

Mr. LLOYD. The gentleman can do that when we reach this item in the bill.

Mr. GILLETT. Will the gentleman yield for a moment?

Mr. MOON of Tennessee. I have promised the remainder of my time.

Mr. GILLETT. Is not the gentleman willing to answer a question about the bill?

Mr. MOON of Tennessee. I have no more time.

Mr. MURDOCK. I will yield time to the gentleman.

Mr. MOON of Tennessee. All right; I shall be glad to do it.

The CHAIRMAN. How much time does the gentleman from Kansas yield?

Mr. MURDOCK. Ten minutes.

Mr. GILLETT. I observe in the paragraph of the bill on page 19, in line 4, the total of the payments to the railway mail clerks is stated at \$24,360,000. Now, when you come to add up the items in that paragraph they amount to a million and a half more than that.

Mr. MOON of Tennessee. That may be.

Mr. GILLETT. I should like to ask the gentleman how that discrepancy is explained.

Mr. MOON of Tennessee. That is due to the fact that the report when first made did not contain that which the committee desired, but it was made up from last year's report.

Mr. GILLETT. I am speaking of the present bill, not the first print.

Mr. MOON of Tennessee. I know, but the gentleman will recall that this bill was introduced in this House on December 11 or 12 last, and that accompanying it was a report, and that that bill had about 50 errors in it because it was printed from last year's bill, and they had to be corrected; but the report has not yet been corrected.

Mr. GILLETT. Does the gentleman mean that in this bill the totals have not been corrected, but that the items have been?

Mr. MOON of Tennessee. Yes.

Mr. GILLETT. Then, really, this bill appropriates several million dollars more.

Mr. MOON of Tennessee. As I stated to the gentleman a while ago, instead of appropriating \$278,000,000, this bill appropriates perhaps \$280,000,000.

Mr. GILLETT. So it runs several million dollars more?

Mr. MOON of Tennessee. Yes; and about two-thirds of that increased amount is for the parcel post.

Mr. GILLETT. And that, of course, will be corrected when we come to the five-minute debate.

Mr. MOON of Tennessee. Yes; it is all corrected in the bill.

Mr. GILLETT. Not in the bill which I have.

Mr. MOON of Tennessee. Has the gentleman the last print of the bill?

Mr. GILLETT. Perhaps I have not. I thought I had.

Mr. MANN. Will the gentleman from Tennessee yield?

Mr. MOON of Tennessee. Yes.

Mr. MANN. I think the gentleman from Massachusetts is correct, and the gentleman from Tennessee [Mr. Moon] is slightly in error, and the situation arises in this way, if I may be permitted to state it: It has been the custom of the Post Office Department for many years in making estimates, and of the committee in reporting the bill, and of Congress in passing the law, to provide a certain number of clerks at certain salaries, so many at \$3,000, so many at \$600, and others at amounts between those two extremes.

Because these clerks are appointed during the year and do not draw pay for the entire fiscal year it was the practice of the Post Office Department and the committee to make a lump-sum appropriation at the end, as is done in this bill, which is less than the total number of clerks in each class multiplied by the salary that is drawn; but there was added to that total sum a provision that the total amount to be expended by the department could not exceed the total sum appropriated in the figures.

After the law was passed providing for automatic promotions of post-office clerks it was manifest that in case the total sum which was put in at the end of the appropriation was not sufficient to make these automatic promotions they could not be made, although the law provided that they should be made if the limitation was made in the bill.

Thereupon, I have consistently made a point of order against that limitation and it has stayed out of the bill for several years. The appropriation for automatic promotion of clerks was carried in the bill last year, and the total for clerks was \$3,780,000. When the appropriation bill reached the Treasury Department they marked up to the credit of the Post Office Department three million nine hundred and some odd thousand dollars. I apprehend that has not been expended, but it cuts no particular figure, and the same thing is carried in this bill.

May I ask the gentleman from Tennessee in reference to a few figures that he gave about the increase of service for parcel post. In the first place, in the current law there is a lump-sum appropriation of \$750,000 which covers special equipment, maps, stamps, directories, and printed instructions as may be necessary, and to include the hiring of teams, drivers, and so



forth. Are all of these things now practically covered by specific items in the bill?

Mr. MOON of Tennessee. They all come in under each head.

Mr. MANN. There are enough specific items to cover all these?

Mr. MOON of Tennessee. Yes; that is what we think.

Mr. MANN. I did not suppose there was any provision in the bill which would directly provide for the employment of teams and drivers for the parcel post especially.

Mr. MOON of Tennessee. No; it is under the section that provides for teams, vehicles, and drivers; we increased the amount so as to meet that additional service.

Mr. MANN. I understand the parcel post was inaugurated really after this bill was reported, and it may be that the department will derive additional information which it will be able to place before the Senate even after the bill passes the House, which would lead both bodies to agree to some additional appropriations if necessary.

Mr. LLOYD. If the gentleman will pardon me, it is the understanding that they are to make an investigation during the first 15 days of this month and make a report to the Senate, and of course the House will have the benefit of the same information before the bill comes in here for final consideration.

Mr. MANN. I understood the gentleman from Tennessee to state in figures he gave in reference to the contract stations that there was an increase of \$320,000 in the bill. If the gentleman has the figures there, I would like to ask him if that is correct?

Mr. MOON of Tennessee. I think the gentleman will have to refer to the hearings.

Mr. MANN. I think the gentleman made a statement as to the probable amount, but that is not the amount carried in the bill.

Mr. MOON of Tennessee. The hearings will show how that is.

Mr. MANN. The gentleman read from some figures.

The CHAIRMAN. The Chair will state that the gentleman from Kansas [Mr. MURDOCK] yielded 10 minutes to the gentleman from Tennessee [Mr. Moon]. That 10 minutes so yielded has expired, and the gentleman from Tennessee has 15 minutes in his own right.

Mr. MURDOCK. Mr. Chairman, I yield a further 10 minutes to the gentleman from Tennessee.

Mr. MOON of Tennessee. Mr. Chairman, my memorandum shows \$320,000 as the amount of increase.

Mr. MANN. I did not know how much that had been considered in the committee. Three hundred and twenty thousand was the increase in the estimates?

Mr. MOON of Tennessee. Yes; due in the main to parcel post. It is impossible for the committee or anybody to judge what is due to parcel post.

Mr. MANN. I understand. I will say that the department makes a rule as to the amount of compensation that will be allowed at a contract station, based on the amount of certain classes of business, and says that when a certain amount of business is done they will increase the compensation to such an extent. So far the appropriations have not been sufficient to do that; the rule has not been carried into effect, and every little while they have changed the rule. There has been a good deal of complaint about it. In my section of Chicago, where we have to depend largely on contract stations for postal service, men have resigned and refused to carry on the service because the department could not comply with the agreement that had been made.

Mr. MOON of Tennessee. Does the gentleman think that that item ought to be further increased?

Mr. MANN. I am not sure that that above \$300 ought to be increased, but below that rate there are a large number usually starting out at \$100, and if business develops under the rules the amount they are to receive is \$200, and there ought to be sufficient appropriations to permit these increases to be made where a man will not keep the station without it.

Mr. MOON of Tennessee. Mr. Chairman, does the gentleman from Kansas desire to use any time?

Mr. MURDOCK. There are no requests for further time on this side.

The CHAIRMAN. In order that the Chair may keep the time correctly, he will say that the gentleman from Kansas yielded 10 minutes to the gentleman from Tennessee, who only used 2 minutes. Does the gentleman from Tennessee yield back that time?

Mr. MOON of Tennessee. I am trying to keep all I can get, Mr. Chairman, and if the gentleman from Kansas does not object I will keep it.

I now yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I send an article to the Clerk's desk, and ask that it may be read in my time.

The Clerk read as follows:

#### ONLY THE FUTURE COUNTS.

On another page will be found an editorial which recently appeared in the St. Louis Republic. The Commoner has not commented upon the many editorials that have mentioned Mr. Bryan, favorably or unfavorably, in connection with a Cabinet position, but it begs to protest against an argument presented by the St. Louis Republic, which says: "Woodrow Wilson's debt to Bryan is the biggest debt possible in American politics. Proper acknowledgment of that debt is expected. Popular belief is that it will be paid."

Another sentence reads:

"As to Mr. Bryan's fitness for the premiership or for the ranking ambassadorship, opinion may differ."

There are other sentences complimentary to Mr. Bryan, but these two passages bring out the point to which the Commoner wishes to call attention.

Cabinet positions ought not to be regarded as currency with which to pay debts. They are responsible positions, and in filling them the President elect should look to the future and not to the past. A public official has no right to discharge political obligations at the expense of the public. The men selected by Mr. Wilson for the Cabinet should be selected not because of personal service rendered to him, nor even because of past service rendered to the party. The individual counts for little; the cause counts for much. An individual, if he has had a proper motive for working, finds sufficient compensation in the triumph of ideas, principles, and policies; he does not need the consolations of office. Offices should be used to strengthen the party and to advance the things for which the party stands. It is pleasant to reward those who have been faithful, where that reward can be given without sacrificing public interests, but where past service is considered it is better to consider it as an assurance of future service than merely because it has been rendered.

The Commoner declines to discuss Cabinet possibilities, but it ventures to express the hope that Gov. Wilson will be governed by a higher motive than gratitude in the selection of his official household. A great responsibility rests upon him, and he will need the assistance of the best and bravest for his work. He ought to feel free to select for each place the man best fitted for it; in no other way can he hope to measure up to the expectations of the public. He need not—he should not—consider any service that Mr. Bryan has rendered to him or to the public. Mr. Bryan has been abundantly rewarded for all he has done, and does not feel that the party or any individual in the party owes him anything. If he ever holds any office, it ought to be given, whether by appointment or by election, with the view to the service that can be rendered in connection with the work yet to be done, not with the idea of rewarding him for anything that he has done. And the rule which is here laid down for Mr. Bryan is the rule which he believes should be laid down for all. In other words, the welfare of the party and the welfare of the country, not the ambitions of men or the interests of individuals, should be considered.

Mr. SIMS. Mr. Chairman, I had that article read as a basis for a few remarks that I desire to make. Whether we be Bryanites or anti-Bryanites, with the ideas and principles advocated in that article I think we must all agree. But we see a great deal stated in the newspapers about who is to be in the Cabinet, suggesting this man, that man, and the other man. I desire to say that the kind of men I want to be in the Cabinet are men who will tell the President the truth, though the heavens fall, without either exaggerating or minimizing it. I do not want anyone to go into the Cabinet for the purpose of influencing the President in favor of or against any individual. The President, as it were, must look through the Cabinet to see the conditions of the country. The Cabinet is in a way the eyes of the President. When I was a youth I read that under the English law they did not punish the king for any wrong done, but they punished his advisers. I thought at that time that it was a great outrage, but I have since concluded that it was a very wise provision of law. Those who get next to the king, those who get next to the President, who are intrusted with his confidence and who instead of telling him the plain truth as they see it color it so that he does not see the facts, but views them through colored glasses, and therefore does wrong through misinformation through the desire of individuals to either promote somebody's interest or to prevent the interest of somebody being promoted, I am in favor of hanging these advisers instead of punishing the President. This country believes and this country has confidence that Gov. Wilson has the judgment to do the right thing, if he can only have the facts presented to him without color, without prejudice, and without bias. It makes no difference to me who the man is who goes into the Cabinet so long as he be a man of ability, a man of full information as to the department to which he may be appointed. But above all he ought to forget himself, forget his friends, and, if he has enemies, forget them and tell the President the plain truth and let the President's judgment rest upon a clear understanding of the facts.

Mr. GARNER. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. GARNER. Is the gentleman complaining now of what he thinks the President elect is going to do?

Mr. SIMS. No.

Mr. GARNER. Is the gentleman writing him a letter through the columns of the CONGRESSIONAL RECORD as to what he thinks he ought to do?

Mr. SIMS. I am not intending in this way to advise the President. I am trying to point out what I think would be an ideal member of the Cabinet.

Mr. MANN. Is not the gentleman telling what he will do when he is a member of the Cabinet? [Laughter.]

Mr. SIMS. Mr. Chairman, I have no thought, not the slightest, of ever being so honored.

Mr. CANNON. Has the gentleman anybody in mind who will fill the bill? [Laughter.]

Mr. SIMS. I have nobody in mind. I am making no insinuations, but I will tell you what I do think, and that is the reason I am making these remarks. I think that within the last hundred years some Presidents of the United States have been misled and have been prejudiced unduly against some people, and have been used to reward others unjustly by reason of the false information given them. I think good Presidents in the last hundred years have done that which they would not have done if they had known the facts. When men secretly, privately, under the guise of friendship, mislead the King, the President, or anyone else, in order to secure some other end than the public welfare, they ought to hang instead of the King or the President. Therefore, I do not believe that such a position ought to be sought, or that it ought to be lobbied for, or that men ought to be appointed by reason of their extraordinary willingness to serve, but that they should be selected with reference to the general welfare with no other motive than that the public good is to be enhanced and not the ambition of some private citizen promoted.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The Chair will state that the gentleman from Tennessee [Mr. Moon] has 13 minutes remaining, and the gentleman from Kansas [Mr. Murdock] has 40 minutes remaining.

Mr. MOON of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Chairman, I send up some newspaper clippings and ask that they may be read in my time.

The Clerk read as follows:

RAILWAY POSTAL CLERKS PROTEST—PARCEL-POST PACKAGES NECESSITATE EXTRA DUTY, DECLARES THEIR LEADER.

MINNEAPOLIS, MINN., January 7.

President Carl C. Van Dyke, of the Railway Mail Clerks' Association, is en route to-day to Washington to take up with Congress committees grievances of the clerks over the parcel-post law.

Not since the threatened strike of railway mail clerks two years ago, declare postal clerks, has there been so much dissatisfaction among the employees as at present. It is charged the department has failed to provide sufficient help, equipment, or car space to handle the flood of parcels.

Before leaving, Van Dyke said: "Several chief clerks have prepared extra-duty schedules, so as to handle the parcels. This is unfair to the clerks, who are entitled to sufficient time off to keep up with their distribution."

PARCEL-POST PLAN MAY CAUSE STRIKE—MAIL CLERKS' HEAD SAYS GOVERNMENT IMPOSES ON 17,000 MEN—HE SCENTS TROUBLE.

Is the attitude of the United States Government, under the Taft administration and Frank Hitchcock, Postmaster General, relative to the parcel post likely to precipitate trouble with the railway mail clerks to the point of a strike?

Carl C. Van Dyke, president Tenth Division Railway Mail Association, says he scents some such trouble.

He declares he believes the Government, under Hitchcock's plans, is endeavoring to hamper the parcel post to the point of proving it a failure and that the influence of express companies is at work along similar lines.

The parcel post, it is admitted, will cause a great increase in post-office business. The volume, in fact, probably will be immensely increased and perhaps nearly doubled.

No provision, Mr. Van Dyke says, has been made for an increase in men, especially in the railway mail end.

ADJUSTMENT HOPED FOR.

It is confidently expected, however, Mr. Van Dyke says, that the incoming Wilson administration will take swift action and add a sufficient number of men. Otherwise, Mr. Van Dyke says, the mail clerks are likely to revolt.

"No provision has been made to care for the extra parcel-post mail on the road," said Mr. Van Dyke to-day. "The regular yearly increase, 1,000 men in the United States, demanded by increased volume of ordinary mail, is all that has been done. Practically all lines are still tied up from the Christmas mail."

"The situation with the parcel post is getting serious. The Government has an 8-hour law for employees. Clerks are supposed to work 8 hours. Even now they exceed that, but with the parcel post they will be forced to work from 10 to 16 hours a day."

"They receive no extra pay for this overtime."

NO ADDITIONAL CARS.

"No provision, in addition, has been made for added mail cars. A million mail clerks can not handle the parcel post and regular mail without increased room. It is impossible. An additional car must be placed on every trunk-line train, such as mail trains between Chicago and the Twin Cities."

"It is a positive essential necessity that local trains be given more mail space."

"For example, Chicago mail-order houses have announced that they will send a carload a day on each trunk line from Chicago of parcel-post matter. No provision has been made to handle this matter."

"Again, a woodenware company, in Watertown, Wis., has announced that it will send a drayload of pails by parcel post every few days. Judged by these two examples, it is easily seen that there must be, and quickly, provision made for handling the traffic."

"The Government may be experimenting, but it is doing so at the expense of 17,000 railway mail clerks, and it is easy to see the impossibilities of the present policy."

Mr. COX. Mr. Chairman, the purpose I had in mind in having the articles read was to get, if possible, the railway postal clerks in the country before the House and before the country in a proper light. It is true beyond doubt that the establishment of the parcel post will throw a tremendous amount of additional work upon the 17,000 railway postal clerks at present in the employ of the Government. I know of no higher class of men in the Government service than the railway postal clerks. Of the millions and millions of tons of mail that are handled yearly, practically the entire amount in some way or other goes through the hands of these 17,000 men. I do not know Mr. Van Dyke, the gentleman who put out the interview, but, if his interview expressed truly the feelings of the railway postal clerks, it might bring a serious condition upon the country. As soon as my attention was called to those articles I asked Mr. Schardt, the president of the Railway Postal Clerks' Association, what would be their position and as to whether or not there was any ground for the reported interview. Mr. Schardt answers me, under the date of January 10, 1913, to the effect that, while it is true that the parcel post will throw a tremendous amount of work on the railway postal clerks, and while they realize that to be true, yet they further realize it to be a fact that the parcel post up until this time and the close of the present fiscal year will to a large extent be experimental, and he informs me, as the president of his association, that the 17,000 railway postal clerks upon whose shoulders this increased burden will fall are perfectly willing to assume the additional burden and work hand in hand with the Government until it is finally determined how much additional work will be thrown upon them.

In other words, whatever additional burdens might be required by the parcel-post legislation, there is no danger of any railway postal clerks being disgruntled and sore.

Now I ask, Mr. Chairman, that the letter be read in the remainder of my time.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

RAILWAY MAIL ASSOCIATION,  
OFFICE OF THE PRESIDENT,  
Washington, D. C., January 10, 1913.

Hon. W. E. Cox,  
Committee on the Post Office and Post Roads,  
House of Representatives, United States.

DEAR MR. COX: Replying to your inquiry regarding certain sensational interviews given to the press recently by individuals claiming to speak for the employees of the Railway Mail Service, I beg to advise you that the sentiments expressed in the press dispatches referred to do not in any sense represent the attitude of the rank and file of our service.

The parcel-post service became operative January 1, and one of the dispatches advertising our men as being in revolt against the system was given out January 2. The men of the Railway Mail Service do not complain until they are hurt. They are broad-minded enough to recognize that in the early operations of our newly inaugurated parcel-post system it is inevitable that some complications should arise. Their loyalty and patriotism will prompt them to put forth their best efforts to help the Government make a success of this new feature of the postal service.

The men of the Railway Mail Service have every confidence that as the needs of this service manifest themselves the Government will make adequate provision, so that whatever complications or hardships may arise while the service is adjusting itself to the new conditions shall only be temporary.

The men of our service entertain no thought of revolt or strike, and it is to be regretted that the press dispatches should have advertised us in such an unwarranted light. Such talk is only a part of the pernicious agitation carried on by a few disappointed and disgruntled ex-employees of the service who thrive on the unrest and disloyalty they are able to incite.

Referring to your allusion to the offensive references and insinuating charges directed against the Committees on Post Offices and Post Roads of both the House and Senate during the last session by a publication claiming to represent railway postal clerks, I beg to advise you that we do not indorse the course pursued by this publication. We recognize only too well that such attacks are not calculated to encourage a proper regard in the minds of the younger men of our service for the integrity of Congress. The men who are in the service and have the best interest of the service at heart are desirous of maintaining respectful and cooperative relations with the Congress and the department, and they have no sympathy with the efforts of these outsiders who engender disrespect and contempt for constituted authority and we do not wish to be judged, either by Congress or by the public, by the tactics of these irresponsible individuals.

The Railway Mail Association appreciates what Congress has accomplished for our service, and we know of no better way to show our appreciation than by cooperating with Congress and the Post Office Department in everything that will make for a better and greater service and a satisfied and loyal corps of employees.

Assuring you that the men of the Railway Mail Service will be found ready and willing to do their part to make the parcel post a success, I am,

Sincerely, yours,

P. J. SCHARDT,  
President Railway Mail Association.



Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from New York [Mr. LEVY].

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] has but two minutes remaining.

Mr. MURDOCK. Mr. Chairman, I will yield to the gentleman from Tennessee [Mr. Moon] the time he desires to give to the gentleman.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] is recognized.

Mr. LEVY. Mr. Chairman, at the beginning of the investigation of the money question before the Banking and Currency Committee I insisted that what we required was remedial legislation and not investigation, as the public was thoroughly acquainted with the situation.

I have introduced a bill (H. R. 27139), which bill provides a remedy for the defects of our currency system without attempting to formulate a new and untried system, which may or may not be suited to our wants, and is of much more importance to the banking community than the investigation which is now being conducted by the House. Therefore I take this opportunity to address the House, and when it is reported out from the Committee on Banking and Currency and comes before the House I shall make a more complete statement.

#### CENTRAL BANK.

I do not believe in a central bank, though it may be called by a different name. The dominant political party has condemned it in its platform, and, I believe, that condemnation is wise and in accordance with true Democratic doctrine. To vest any one corporation with the exclusive right to issue paper money is to transfer sovereign power from the people and to constitute a monopoly, compared with which all so-called trusts and combinations in restraint of trade are but pigmies. We want no giant vested with a power which can destroy the very liberties of a self-governing people. We must preserve the separate units of our banking system free from the concentrated control of any one powerful organization.

#### DEFECTIVE SYSTEM.

I concede, as everybody does, that we have a defective banking system, but I feel sure these defects have come from unwise legislation originally begun as a war necessity, which can be pointed out and remedied, and I do not believe it is necessary to legislate in antagonism to the whole theory of our form of government in order to remedy these defects.

After giving much thought and study to the subject, I believe the cause of our monetary troubles may be succinctly stated thus:

The destruction of the bank function of note issue and the false assumption that debt represented by paper money is equivalent to coin.

I maintain that the present restricted issue of bank currency is not the exercise of the bank function of note issue (or circulation), and that so long as it exists we can have no elasticity in such circulation and no issue of bank debts in the form of currency responsive to the demands of trade.

All students of the subject, by different processes of reasoning, have reached the conclusion that a bond-secured bank currency can never be responsive to the demands of a commercial community. I think a satisfactory explanation of that fact is that such currency is really issued in payment of the Government debt it represents, and hence can not be issued in response to a commercial demand.

#### ALDRICH REMEDY.

We must therefore get rid of this bond-secured bank currency, and the question is, How? Mr. Aldrich's remedy is for one central bank to issue its notes and thereby take up all the present bank notes outstanding, receiving the bonds held as security, and increase the interest to be paid on such bonds 1 per cent, or about \$7,000,000 per annum. He makes these notes a "legal reserve" for other banks, thus continuing the fiction that a debt is equivalent to coin—one of our great sources of trouble.

I can not see what benefit accrues to the public from having this bond-secured currency issued by one instead of many banks; the want of flexibility or elasticity remains the same to the extent that such issuance is used to pay for the Government debt represented by the bonds taken over. I can see a very distinct disadvantage in providing that these bank notes, which are used to pay for the bonds, may be counted as legal reserve of other banks; it is a species of inflation of the circulating medium, and continues a legal fiction which we all know is not true and which is contrary to all sound principles of good banking. It needs no argument to convince anyone who thinks on the subject—for the mere assertion is conclusive—that the proper reserve for bank indebtedness is gold coin, and that no amount of legislation can make any debt equivalent to coin, as a matter of fact.

The indebtedness represented by the notes of one central bank, or of all the banks, is carried by the public, which holds the notes; the Government debt or bonds is the security for this note indebtedness; the public is the creditor in either case.

H. R. 27139.

My proposition is to continue the public as the creditor for the indebtedness of the Government, and leave the banks free to exercise their proper function of note issue under normal conditions, subject only to such reasonable restrictions in the matter of reserves and supervision as the public interest demands.

#### INTERCHANGEABLE BONDS.

Sections 1, 2, and 3 of the bill provide that the 2 per cent bonds of the Government outstanding be made interchangeable with currency certificates at the option of the holder, the debt to bear interest when in the form of bonds and not to bear interest when in the form of currency. These certificates will represent the bonds deposited and will not be a promise to pay coin on demand, and hence can not be counted as a bank's legal reserve. Being receivable for all debts and demands due the Government and reissuable, they will be accepted readily by the people in their daily interchange of commodities and service, and being redeemable only in the time obligations of the Government can never be a source of embarrassment in times of financial stress or panic. This being done and the provision adopted for the funding of greenbacks, as is also suggested, we shall have one form of Government currency in all of which the Government will be bailee only, being certificates of deposit for either gold, silver, or bonds. The advantages of this procedure may be summarized as follows:

#### ADVANTAGES.

First. It enables the holder of a Government 2 per cent bond to obtain the currency equivalent at any time he may desire at 2 per cent interest.

Second. It saves the Government the interest thereon so long as the currency is needed, instead of paying such interest to a national bank.

Third. It prevents excessively high rates of interest.

Fourth. It furnishes a convenient and elastic Government currency which will automatically adjust itself in volume to the business interests of the country.

Fifth. It follows the demands of trade, irrespective of the question whether or not the issuance or retirement of circulating notes is profitable to a bank.

Sixth. It has none of the objections existing to the issuance of so-called "greenbacks," not being a legal tender for private indebtedness, and is in no sense "flat" money.

Seventh. It should be welcomed by all bankers, both State and national, for it enables them to hold a form of quick assets bearing interest convertible at once into actual cash.

Eighth. It can not produce inflation of the currency, for such currency is convertible into interest-bearing obligations whenever redundant.

Ninth. It can not produce exportation of gold under "Gresham's law," being the most desirable form of paper money circulating.

Tenth. It can not cause any increase in the circulating medium, for the reason that practically all United States 2 per cent bonds are now pledged as security for bank circulation, and the banks, in thus disposing of their bonds without loss, must cause a corresponding amount of their own notes to be canceled.

#### GREENBACKS.

Section 4 allows United States notes (greenbacks) to be converted into 2 per cent bonds, but as these bonds are interchangeable with currency certificates there will thereby be no reduction in the volume of the circulating medium. It will, however, enable the people, if they so elect, to remove from our financial escutcheon the only blot it has by abolishing the only "flat" money we have; it will substitute coin in the reserves of our banks for the Government debt now allowed to be called reserve, so that reserve may mean what it should mean, namely, coin and coin only, and we may forget the term "legal reserve," invented to cover a fiction made necessary by the Civil War.

#### BANK CURRENCY.

Section 5 allows banks to issue circulating notes against assets to the extent of one-half of their capital by requiring 50 per cent of the issue to be maintained in gold coin as a legal reserve, of which one-half must be kept with the Treasury. This restores the bank function of circulation, or note issue, which is a necessity of every commercial community. The mechanism of commercial banks can not be properly maintained without this function, and the needs of the community demand it. Deposits in banks are debts which circulate as money through the medium of checks, and bank notes are only similar debts which

circulate as money by delivery. The fixed restriction by law of the amount of bank indebtedness, which can be expressed in bank notes, has been the principal cause of our financial panics, and certainly the only cause of solvent bank suspensions, to which we alone of all civilized nations have been subject.

Uniformity of circulation at par everywhere is provided by having one place of redemption; knowledge of the volume outstanding is secured by Government supervision as now. Elasticity is obtained by the coin-reserve requirement, as the Treasury will become the clearing house for all bank circulation, each bank sending in for redemption the notes of other banks in order to maintain its own gold reserve. Thus we shall secure for the country a bank currency on a gold basis, circulating at par everywhere, which adjusts itself automatically to the demand of trade.

#### RESERVE CREDIT.

Section 6 amends the emergency act of May 30, 1908, so as to make it available in case of need by repealing the requirement for having 40 per cent of capital in bond-secured circulation, and also repeals the expiration clause of said act.

It is a well-known principle of banking that in times of financial distress and panic there must exist some source from which undoubted credit may issue. Until the Aldrich-Vreeland law we had no legal method whereby banks could combine and issue their joint negotiable evidence of indebtedness, which would control credit and allay panics. The various clearing houses of the country have, however, been compelled to issue clearing-house certificates not only for their own protection but for the general protection of the whole financial structure; these certificates being the joint and several obligations of all the clearing-house banks, have invariably served their purpose and been the means, though of doubtful legality, of allaying panicky conditions and preserving the credit system from a general collapse.

The law of May 30, 1908, utilized the knowledge of the benefits of this experience and authorized the formation of NATIONAL CURRENCY ASSOCIATIONS, which are practically a combination of separate banks authorized to do legally and promptly what they had heretofore done, only when compelled by necessity, irrespective of the law. Under the Aldrich-Vreeland law we have now existing 296 banks combined into 18 national-currency associations with an aggregate capital and surplus of \$575,526,720. The general benefit to be derived from these organizations in time of need may be incalculable, and as a matter of precaution they should be preserved.

#### UNIFORM TAX.

Section 7 repeals the prohibitive tax on the circulation of NATIONAL CURRENCY ASSOCIATIONS and leaves the tax the same as on other national-bank circulation.

The theory on which this excessive tax was fixed was to prohibit any issuance of notes, except in case of the direct necessity, by depriving the banks of any profit thereon.

The theory of regulating the volume of the circulation by taxation is wrong; banks should be free to express their indebtedness either as a deposit or as a circulating note, in whichever form the customer requires. In the case of the national-currency association the issuance of notes will never be resorted to, except as a means of self-protection and public necessity; the inherent provision of their organization—that all the banks are liable for the indebtedness of any one bank—will, in practice, be a sufficient barrier to incurring such indebtedness in the form of a circulating note if no tax whatever be imposed.

#### TREASURY FUNDS.

Section 8 requires the Secretary of the Treasury to deposit with the banks any redundant funds of the Treasury in excess of \$30,000,000; provides uniform security in all cases, but requires the rate of interest which shall be paid to be fixed by competitive bids.

It has always been considered one of the defects of our financial system that when revenues are largely in excess of expenditures the available circulating medium is contracted by the amount of such excess. Usually the defect is said to be inherent to a separate Treasury system, and the fact is used as an argument for its abolishment.

The truth is, that this defect comes from the destruction of the bank function of note issue, and hence the restricted amount of the currency or form in which the Treasury makes its collections. No financial system can be considered workable or desirable which does not allow Government revenues to be collected without disturbance.

The separate Treasury system, confirmed by 75 years' experience, is most desirable and efficient, and it can be readily adapted to our banking mechanism by simply fixing a limit be-

yond which its collections do not withdraw the circulating medium from the ordinary channels of trade.

The bill suggests \$30,000,000 as this limit. I am informed \$25,000,000 available cash or working balance will fully meet all the requirements of the Treasury.

#### FOREIGN TRADE.

Section 9 allows banks with \$5,000,000 capital and surplus to establish foreign branches for the purpose of enlarging and facilitating trade with foreign countries.

The banking capital of the country is consolidated through corporate organizations, and these corporations are not allowed, under the law, to extend the usual facilities which are a necessary requisite of foreign commerce. The purpose of this section is to remedy this defect.

#### REAL ESTATE LOANS.

Section 10 allows national banks to loan 20 per cent of capital and surplus on real estate security, not because this is sound practice for commercial banks, but because the banks in agricultural communities find it necessary in their legitimate competition with State banks. In response to an inquiry made by the Comptroller of the Currency, 81 per cent of the banks favored this extension of corporate power.

#### RESERVE AGENTS.

Section 11 prohibits the iniquitous practice of allowing country banks from counting their debit balances against banks located in reserve cities as a part of their legal reserve. The provision of the national bank act allowing this practice was a corollary of the greenback idea that legislation can make a paper debt equivalent to coin. Under such provision the following may be mentioned as some of the absurd results and ill effects:

First. It allows a country bank to convert its own debt, in the form of a circulating note and the similar debt of another bank, into what the law calls a "legal reserve"—"equivalent to coin." The country bank has only to send its notes, or other bank notes, to a reserve city bank and then call the debt "Due from reserve agents."

Second. It diminishes the "legal reserve" required for the whole country by converting the debt of a reserve agent into what is called a "legal reserve." The reserve required under the law for the country bank is eliminated, and the city bank is required to hold a reserve only on its debt to the country bank.

Third. It accumulates in the reserve cities a great volume of undesirable indebtedness called "deposits" or "due to banks," which does not represent the bona fide debts of banks utilized by the industrial community to circulate as money through the medium of checks. Such debts are subject to interest charges and at the same time must be available to the country banks for the legitimate needs of trade. Hence arises the practice of call loans at the stock exchange, thereby forcing the use of this capital for speculative purposes, with the immense variations in rates of interest to which such loans are subject, and the unrest produced in the public mind, not only by such variations but by the rapid rise and fall in the price of securities caused thereby.

#### DEBT LIMIT.

Section 12 limits the liabilities of banks in proportion to their capital and surplus—that is, in proportion to the margin of security they offer for their indebtedness—and thus places a limit beyond which banks can not be used in overtrading and speculation. The present limit to expansion is fixed only by the amount of reserve required on deposits.

It would seem reasonable and desirable for the general good that bank debts, which are the instruments or substitutes for coin by which the daily interchange of commodities and service is made among the people, should be limited in proportion to the margin of security they furnish. This is the rule and practice in every commercial transaction, and the law in the case of many municipalities.

It is proposed that banks, which under the law are required to carry 15 per cent reserve, shall be limited in liabilities to five times their capital and surplus, and that banks which carry 25 per cent reserve be limited to ten times their capital and surplus, thus making in both cases 35 per cent margin of security when the maximum of liability is attained.

The tendency of this provision will be to induce banks to accumulate surplus earnings and to increase capital stock instead of indebtedness when business requirements demand additional capital, both of which are to the public benefit.

#### UNIFORMITY OF DEPOSITS.

Section 14 allows the Treasurer of the United States to transfer funds from place to place without charge, and requires



banks to do likewise, so as to produce uniformity in bank deposits throughout the country.

We have the bank debt, in the form of currency, circulating at par everywhere, by having one place of redemption, and there is every reason to believe that the other form of debt, called deposit, may be made equally current.

It is hoped this provision may induce the banks to have one central clearing house for checks, and it would appear that this can be accomplished by extending the membership of the principal Clearing House Association to embrace as a member each of the clearing houses of the central reserve cities and of such other reserve cities as might desire membership. [Applause.]

A bill (H. R. 27139) to amend the national banking laws.

*Be it enacted, etc.,* That any holder of any obligation of the United States bearing interest at the rate of 2 per cent per annum may present the same to the Treasurer or any assistant treasurer thereof and receive in exchange therefor an equal amount of noninterest-bearing certificates of deposit in denominations of \$5, \$10, \$20, \$50, and \$100 each at the holder's option. Such certificates shall be receivable at their face value for all taxes, debts, and demands due the United States, except customs, and when so received may be reissued.

SEC. 2. That the holder of any such certificate may, at his option, present the same to the Treasurer of the United States and receive in exchange therefor, when presented in multiples of \$100, interest-bearing obligations of the Government to the face value of such certificates, bearing interest from the date of such exchange at the rate of 2 per centum per annum, and payable on the same terms and conditions as the original obligation represented by such certificates.

SEC. 3. That the exchange of interest-bearing obligations for certificates of deposit and the reexchange thereof shall be subject to such rules and regulations as the Secretary of the Treasury may adopt in order to facilitate the free interchange thereof.

SEC. 4. That any United States note when presented in multiples of \$100 may be converted at par into United States bonds bearing 2 per centum interest per annum, and payable at the option of the Government, and when so converted shall be canceled and destroyed.

SEC. 5. That any national banking association may upon application receive from the Comptroller of the Currency circulating notes to the full amount of its capital stock; such notes are to be secured either by United States bonds, as now required by law, or by a gold coin reserve of 50 per cent of the amount not secured by United States bonds; of such gold coin reserve at least one-half shall always be kept with the United States Treasury, to the credit of such banking association, available for the redemption of the circulating notes upon presentation. Certificate of deposit for gold coin, issued by the United States Treasury, shall be considered as equivalent to gold coin.

All circulating notes issued under the provisions hereof shall constitute a prior lien on all the assets of the issuing bank, and in case of liquidation, whether voluntary or involuntary, all such outstanding notes shall be redeemed and canceled, or a sufficient amount thereof deposited with the United States Treasury before any division of assets among other creditors. In the event there should be insufficient assets to pay the outstanding circulating notes of the liquidating bank, any deficit shall be assessed and paid pro rata by all other banks having outstanding circulating notes under the provisions of this act at the time of such assessment.

SEC. 6. That the act of May 30, 1908, is hereby amended as follows: In section 1 and section 3 the words following the word "outstanding" are hereby repealed and erased, to wit, "secured by the deposit of bonds of the United States to an amount not less than 40 per centum of its capital stock." Section 20 of said act of May 30, 1908, limiting its duration is also hereby repealed.

SEC. 7. That all circulating notes issued under the provisions of the act of May 30, 1908, shall be subject to the same rate of taxation as provided by section 5214 of the Revised Statutes, prior to the passage of said act, for circulating notes issued against a deposit of United States bonds bearing 2 per centum interest.

SEC. 8. That whenever the available cash balance in the Treasury shall exceed the sum of \$30,000,000 it shall be the duty of the Secretary of the Treasury, in his discretion, to require such excess to be distributed equitably and deposited to the credit of the Treasurer of the United States in such designated banks as may by him be selected. Such deposits shall bear interest as may be determined by competitive bids, and are to be payable on demand to the order of the Treasurer, or such person as he may designate, and are to be limited in amount as to any one bank to 50 per centum of its capital and surplus, but the Secretary shall require, before any deposit is made, adequate security to the full extent of such deposit. They may be secured by a deposit with the Treasurer of bonds which are a legal investment for postal savings banks, or by approved commercial bills or notes maturing within four months, indorsed by the depository bank, the face value of such notes to be at least double the amount secured thereby. Such deposits may also be secured by the guaranty or indorsement of the National Currency Association (organized under the act approved May 30, 1908), of which the depository bank is a member. In case of voluntary or involuntary liquidation such deposits shall constitute a prior lien on all the assets of the depository bank.

SEC. 9. That any national banking association having a paid-up capital and surplus amounting to \$5,000,000 may establish one or more places of business in the capital or a seaport city of any foreign country for the purpose of facilitating exchanges, granting letters of credit, dealing in gold coin or bullion, and such other business as is authorized by its charter; but such association shall not issue or receive from the Comptroller of the Currency circulating notes in any other unit of value than the dollar of the present standard, though it may be expressed upon the fact of such circulating note the equivalent in foreign gold coin at which it is redeemable on presentation. Such place of business shall be denominated a foreign department or branch, and shall be subject to the same visitatorial and other powers as are now conferred by law on the Comptroller of the Currency for all national banking associations; any additional expense attending the periodical examination of such foreign department or branch or the issuance of its circulation shall be assessed and paid by the parent institution.

SEC. 10. That it shall be lawful for any national banking association to loan of its assets not exceeding 20 per centum of its capital and surplus upon real estate security.

SEC. 11. That all provisions of the national-bank act allowing balances due from other banks located in designated reserve cities to be

counted as a part of a bank's "legal money reserve" are hereby repealed.

SEC. 12. That the total liabilities of any national banking association (exclusive of its capital stock and surplus) now required by law to keep 15 per centum lawful money reserve shall not exceed five times its capital and surplus, and the similar liabilities of any national banking association now required by law to keep 25 per centum lawful money reserve shall not exceed 10 times its capital and surplus, unless in each case such excess liabilities are fully covered by additional cash assets equal to such excess.

SEC. 13. That the Treasurer or any Assistant Treasurer of the United States is hereby authorized to transfer funds without charge from any depository bank or subtreasury to another against a deposit with him of gold coin or currency, and hereafter it shall be unlawful for any national banking association to make any charge for exchange in making similar domestic transfers.

SEC. 14. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The CHAIRMAN. The gentleman from Tennessee has one minute remaining.

Mr. MOON of Tennessee. I ask the gentleman from Kansas [Mr. MURDOCK] if he wishes to use any of his time.

Mr. MURDOCK. I will say to the gentleman that there is no request for time on this side.

Mr. MOON of Tennessee. Then I ask the Clerk to read.

The Clerk read as follows:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at \$3,000 each; 10 inspectors, at \$2,400 each; 15 inspectors, at \$2,250 each; 26 inspectors, at \$2,100 each; 15 inspectors, at \$2,000 each; 29 inspectors, at \$1,900 each; 65 inspectors, at \$1,800 each; 65 inspectors, at \$1,700 each; 75 inspectors, at \$1,600 each; and 65 inspectors, at \$1,500 each; in all, \$704,450: *Provided*, That, for the purpose of inspecting and investigating rural-delivery routes and proposed rural-delivery routes, a number of inspectors, not exceeding 30, shall be placed subject to the orders of the Fourth Assistant Postmaster General whenever and for such periods as in his judgment they may be needed for that purpose.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice in this paragraph the items are all precisely the same as in the current law, with the exception that the number of inspectors at \$1,700 each is reduced from 75 to 65. The total amount appropriated is not reduced at all.

Mr. LLOYD. Mr. Chairman, the number should be 75.

Mr. MANN. I thought probably that was a clerical error.

Mr. LLOYD. Mr. Chairman, I move to amend by making the number of those who receive salaries at \$1,700 75 instead of 65.

The CHAIRMAN. Without objection, the pro forma amendment offered by the gentleman from Illinois [Mr. MANN] will be withdrawn. The gentleman from Missouri [Mr. LLOYD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 8, strike out the second word "sixty-five," and insert the word "seventy-five."

Mr. MURDOCK. Mr. Chairman, that is the recommendation of the department, is it?

Mr. LLOYD. Yes, sir; that is the recommendation of the department, and it is the same as the existing law.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Missouri [Mr. LLOYD].

The amendment was agreed to.

The Clerk read as follows:

For per diem allowance of inspectors in the field while actually traveling on official business away from their homes, their official domiciles, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed \$3 per day, \$261,400.

*Provided*, That the Postmaster General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their homes or their designated domiciles for a period not exceeding 20 consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more, except the 26 inspectors receiving \$2,100 each.

Mr. BARTLETT. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] has an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 3, at the end of line 5, by inserting: "And provided further, That no part of the sums herein provided for the salaries of post-office inspectors or for per diem allowances to such inspectors shall be paid or allowed to them while they may be engaged in making selections and recommendations for the appointment of fourth-class postmasters."

Mr. LLOYD. Mr. Chairman, I reserve a point of order against that.

Mr. BARTLETT. Mr. Chairman, I do not think the amendment is subject to the point of order. I will not discuss that, because really it is a limitation as to the expenditure of the money. This question as to whether it was subject to a point of order was decided by the chairman who presided over the Committee of the Whole House on the state of the Union when the legislative, executive, and judicial appropriation bill was under consideration, and I think the Chair is informed as well



now of the parliamentary precedents as he would be if I should discuss it for any length of time. It is a limitation on the expenditure of the money provided for in this particular paragraph for these particular officers.

Now, Mr. Chairman, the gentleman from Tennessee [Mr. Moon], in charge of this bill, stated that in the matter of fourth-class post offices there was no reason why the Government should be involved in any expense whatever. I hold in my hand the order and the regulations promulgated by the Civil Service Commission and by the Postmaster General, and approved by the President, carrying out his order of October 15, 1912, in which he placed the fourth-class offices, which had not already been by the preceding administration put under the civil service. I had occasion on the 6th of December, when I offered a similar amendment to the executive, legislative, and judicial appropriation bill, to call attention to this order and to offer the same amendment to that bill. I concede now that it was not exactly in place upon the legislative, executive, and judicial appropriation bill as I offered it, and the reason, I apprehend, that it was not received more favorably by the committee then considering the bill was that it was awkwardly expressed in relation to the subject matter then being considered by the committee. And I remember very well that the gentleman from New York [Mr. Fitzgerald], and those who opposed it, insisted that that was not the proper place in which to make such an amendment. Now we have the proper place for it. We have the Post Office appropriation bill here to provide for the salaries and the per diem, and the expenses of the post-office inspectors. Now, Mr. Chairman, at the time of this order there were some thirty-six thousand three hundred and odd offices covered into the civil service.

Of this number 31,799 would come under the provisions of the order and regulation which permits post-office inspectors to investigate, to make reports and recommendations with reference to the appointment of these fourth-class postmasters. So that we have here a provision for the pay of 395 post-office inspectors; upon this order devolves the duty of selecting fourth-class postmasters.

Last year when the appropriation bill for the Post Office was up I had occasion to call attention to the fact and to read from hearings before the committee as to why it was that those of us who are entitled to the consideration of our applications from our districts to establish and extend the rural free-delivery routes had been met with the statement from the Post Office Department that there had been this long delay in the establishment of rural routes because the inspectors were engaged on other work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask for 10 minutes more. Then I shall not ask any further time.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BARTLETT. I understand, Mr. Chairman, that I am proceeding in order when I discuss the merits of the amendment.

Mr. LLOYD. Mr. Chairman, in order that there shall be no question about that, I withdraw the reservation of the point of order and will let this be voted on upon its merits.

Mr. BARTLETT. Now, Mr. Chairman, we know that these inspectors were engaged on the business that had accumulated in the department, on frauds that had been perpetrated in the use of the mails, and we were told that that was one reason why this service of rural routes could not be extended, as contemplated by Congress. We were also met with the report that out of the money appropriated by Congress for this service there remained \$1,200,000 unexpended. We were also met with the statement that there were applications that had received the favorable indorsement of the inspectors for two years remaining unacted upon.

Now, it is proposed by this order to place 36,000 post offices under the civil-service law, and to burden the inspectors of the Post Office Department with the duty of selecting or rather recommending for appointment 32,000 of these. Now, Mr. Chairman, speaking for myself—and I believe for the section of country from which I come—I do not appreciate that keen desire to look after the civil service and its proper observance that waits until these offices have been filled, without regard to the recommendations of the patrons of the offices, without any recommendations from the Representatives of the people in those districts, without even consultation, until those offices had been filled by the indorsement of those whom this Republican administration has seen fit to call its referees in those various States, and when those various postmasters from the first to the fourth class have, for four successive presidential cam-

paigns, been called upon to aid in furnishing delegates favorable to the nomination of some one candidate for President. I say I do not relish that or appreciate that keen desire now on the part of the Executive to cover hurriedly into the civil service the men thus appointed to fourth-class post offices in the section from which I come.

Now, let us see what these inspectors will have to do in connection with appointments to offices having an annual compensation of less than \$500, and there are some 32,000 of them embraced in this order. Those appointments will be made in the following manner:

When a vacancy has occurred or is about to occur in any such office, the Postmaster General shall direct a post-office inspector to visit the locality and make selection and recommendation for appointment from among the persons filing applications, such selection and recommendation to be based solely upon the suitability of the applicant and his ability to provide proper facilities for transacting the business of the office. The inspector shall make his report in duplicate and accompany each duplicate with a list of all applicants. Such report shall include a statement of the qualifications of each applicant and of the reasons for the selection and recommendation. The Post Office Department shall transmit to the Civil Service Commission one copy of such report, showing its action thereon.

Now, the duty is devolved upon these inspectors by this civil-service order—not by a statute, but by an order of the President and the Civil Service Commission, approved by the Postmaster General—and this increases the duties of these inspectors and puts an additional duty upon them to go to the communities where there is a vacancy, to investigate and hear all the applicants, to take the testimony, and make a selection or report or recommendation to the Postmaster General. Now,

I apprehend that some of us are going through the process of being told who is the best man to serve as postmaster in a particular office. I know I am.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTLETT. Yes.

Mr. LLOYD. Suppose this order should not be revoked or materially changed. Would the gentleman have these inspectors render the service without compensation?

Mr. BARTLETT. No; I would not. But this is the only way I can legitimately put upon this bill my disapproval, and I apprehend that the Postmaster General, if Congress will not permit him to pay for this, will not require this service. If this bill becomes a law and carries this provision, I hope in the near future that this pretension, this sham reform in the civil service, will meet at the hands of the incoming President the fate it deserves—to be suspended or revoked altogether. So far as I am concerned, I have no hesitancy in saying that I hope he will revoke it. But for the reason that the proposition would be in violation of the rule, I would offer in this bill an amendment to revoke it by legislative action.

Now, Mr. Chairman, I have no desire to punish the inspector. I have no desire to say that the inspector shall not be paid what he deserves or for the work that he performs. But will the gentleman from Missouri [Mr. Lloyd] tell me what authority the Civil Service Commission has to direct how the postmasters shall be appointed? What authority have they to require that the inspector shall investigate and make this report for appointment of postmasters?

Mr. LLOYD. Mr. Chairman, under the law at the present time the Postmaster General makes the appointments of fourth-class postmasters, and the President of the United States made this order.

Mr. BARTLETT. Yes; that is true. But I apprehend the Postmaster General, if Congress adopts this provision, will not require the inspectors to perform a service for which they are not paid, and the Postmaster General will not allow them a per diem and will not force them to perform service for which they shall not be paid.

Mr. GARNER. Mr. Chairman, will the gentleman from Georgia permit me to ask the gentleman from Missouri a question?

Mr. BARTLETT. Yes.

Mr. GARNER. Do I understand the gentleman from Missouri to say that this is the best way to enforce the Civil Service Commission's rules with reference to fourth-class postmasters?

Mr. LLOYD. No, sir. I am not taking any position about it at all. The only thing pending is the amendment offered by the gentleman from Georgia, and the purpose of the questions I have asked him is to draw out his opinion and to get his views on it. I am not taking any position on it as yet.

Mr. BARTLETT. Now, Mr. Chairman, the purpose of this was to acquire information as to the qualifications, and yet in reference to fourth-class postmasters their qualifications are to be ascertained by an examination conducted in accordance with the circular which I have in my hand, proceeding from the Civil Service Commission. But that only applies to about



4,000 officers embraced in this last order. When it comes down to the vast majority of these officers—32,000—no qualification is necessary except the indorsement of the post-office inspector. So that is another travesty upon the effort to improve the civil service. In 4,000 offices they must be efficient, as shown by an examination. In 32,000 they only have to satisfy the post-office inspectors.

Mr. COX. Will the gentleman yield for a question?

Mr. BARTLETT. Certainly.

Mr. COX. The gentleman does not believe, does he, that the purpose of the civil-service law has been carried out in the selection of fourth-class postmasters or rural route carriers or any others?

Mr. BARTLETT. I do not think it has been carried out in my section in the selection of fourth-class postmasters, because they have all been selected regardless of anything except the indorsement of the three Republican referees of the State of Georgia, and the same in other Southern States likewise.

Mr. COX. The gentleman believes that politics has played a very important part?

Mr. BARTLETT. Not only a very important part, but the chief part. The sole requirement is the indorsement of the political referees.

Mr. COX. What has been the politics of the fourth-class postmasters who have been selected?

Mr. BARTLETT. Where they could get a Republican, they took him. Where they could get a man who was not a Democrat, they took him. When they could do nothing else, they took a Democrat; and sometimes they appointed a woman.

Mr. COX. Can the gentleman give any idea about what proportion of postmasters are Republicans and what proportion Democrats?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I should like a few minutes more. I have no information upon that subject, because when it became a fact that men not residing in my district, who had no interests there, were the authority who selected the postmasters in my district, whether they were wanted by the patrons or not, I had nothing further to do with it and did not feel that I was called upon to keep posted as to what number were of one political faith and what number were not. Fortunately, in my part of the country it was very rare that they could find a Republican.

Mr. GARNER. But wherever they could find a Republican they invariably appointed him, regardless of the sentiment of the community to be served?

Mr. BARTLETT. Yes; and they appointed that man, whether he called himself a Democrat, a Populist, or nothing, and sometimes a lady, who had the indorsement of the political referees or of a member of the Republican committee in that district; and sometimes, as the facts will show, those appointments were sold, so much being paid for the recommendation, not to the three referees, but to the particular committeeman in the district who recommended him, whose recommendation was all powerful with the referees; so much so that this Congress passed a law making it a crime to pay money for recommendations to office, and that law was passed in this House at the instance of my colleague, Mr. HARDWICK, because of this abuse in the recommendations for the appointment of postmasters. Therefore, I say that it is a late day to wake up to realize that the post offices need "civil-service reform."

Mr. CLINE. I should like to ask whether civil-service examinations for fourth-class postmasters extend also to assistant postmasters in first, second, and third class offices when vacancies occur?

Mr. BARTLETT. I think so. I see from the testimony of the First Assistant Postmaster General that there are no assistants in the third-class post offices, except that provision is made in addition to the salary of the postmaster, who himself employs his assistants out of that salary. In the first and second class offices I understand that, they having been covered into the classified civil service in 1910 by order of the President, they now are to be appointed by promotion from those who are on the civil-service list, and assistant postmasters are to remain covered in as they were by that order; or, if a vacancy occurs, they are to be appointed under the civil-service law by promotion from the employees in the post office. That I understand to be the testimony of Dr. Grandfield, First Assistant Postmaster General. That is as far as I can answer the gentleman's question.

Mr. FOWLER. Mr. Chairman, I move to amend the amendment by striking out the last word.

I am not unmindful of the high duties imposed upon post-office inspectors. Neither am I unmindful of the great necessity of having such public servants; but within the last year I have found certain post-office inspectors making trips down

into southern Illinois and making unfair investigations in at least two instances. I rise for the purpose of protesting against any man—public servant—being sent into any locality for the purpose of serving any other purpose than that of high moral and important duty to the United States. I insist, Mr. Chairman, that no post-office inspector has a right to go into any community as the servant of any class of men in that community or elsewhere for the purpose of making an unfair investigation so that the record of an incumbent postmaster may be blotted by a foul and unholy report made for that purpose. I insist that wherever such has been the case and wherever it is attempted public opinion and public interest ought to be respected and protests ought to be sent in by the people to the Post Office Department.

I have no disposition to criticize the Post Office Department of this country, but I do have a disposition to protest against any investigation in my district for the purpose of bringing about a partisan or an unfair investigation of the management of any post office in my district. My first duty is to my district, and my second duty is to the other districts of my country. And wherever an attempt is made to investigate a post office in my district for the purpose of gratifying the desire or whim of any set of men who seek to make a false record of local sentiment or to blacken the record of any incumbent postmaster, whether he be Republican or Democrat, Progressive or otherwise, as long as I represent that district I shall protest against it.

Mr. Chairman, I have discovered in one instance wherein one of these post-office inspectors fell into the hands of a certain class of men who sought no other end than that of defeating the will of the majority of the people in that town, and his recommendations, which were founded on the evidence of this class of people, were taken by the Post Office Department as the truth and as the will of the people of that town. I withdraw my pro forma amendment.

Mr. MANN. Mr. Chairman, the Constitution of the United States in describing the power of the President provides that—

He shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

It is quite within the power of Congress to provide that fourth-class postmasters shall be appointed by the Postmaster General, taking it wholly out of the hands of the President. President Taft has issued an order providing that these appointments shall be made through the Civil Service Commission and—in fact, to a large extent—through the post-office inspectors. It is within the power of Dr. Wilson, who will be President after the 4th of March, to revoke that order instantly, if he desires to do so, and to provide that fourth-class postmasters throughout the Union shall be appointed hereafter as they were appointed 10 years ago.

Now, the gentleman from Georgia [Mr. BARTLETT] offers an amendment, which my colleague from Illinois [Mr. FOWLER] supports, that the inspectors shall not be paid for services which they render. Of course, if Congress provides that the inspectors shall not be paid, the President will provide an order under which somebody else under the Civil Service Commission will select these fourth-class postmasters. It would not change the selection under the civil-service order except the manner of selecting them, and certainly President Taft will not be overwhelmed by Congress providing that the post-office inspectors shall not be paid when they render services in selecting postmasters. All he has to do is to change the order and provide that they shall be selected, as most other employees in the classified service are selected, purely through the Civil Service Commission.

If that side of the House really desires to place itself on record in favor of the spoils system, the proper way to do it is to pass a law, which you have the power to do, providing that these officers shall be appointed by the Postmaster General, or else get Dr. Wilson to state that he will revoke the order, and when he is installed as President let him revoke the order.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I will.

Mr. GARNER. If I understand the tenor of the gentleman's remarks, does he believe in selecting fourth-class postmasters by civil service?

Mr. MANN. I believe in selecting all administration officers of the Government, outside of the very heads, through the merit system. They are all in the civil service, and I do not know exactly what the gentleman means.

Mr. GARNER. Does the gentleman believe it to be fair and in the best interests of the Post Office Department to cover into the civil service in the State of Texas all fourth-class post-

masters who have been selected by one man, regardless of the views of the patrons to be served or the qualifications of the men who render the service?

Mr. MANN. These men are in the offices, and they can be removed if there are any charges against them for which they ought to be removed. They can be removed by the next administration as well as by the present administration. There are thousands of Democrats holding office in Washington now who were covered into the classified service by order of President Cleveland, issued as he was leaving his office. We are not complaining about that. What you complain of is an order issued by President Taft covering a portion of the fourth-class offices into the classified service because it happens to hit you now.

Mr. NORRIS. Will the gentleman yield?

Mr. MANN. I will.

Mr. NORRIS. I would like to ask if it is not true that every order that has ever been issued by a Republican or a Democratic President has covered into service men who were then holding positions?

Mr. MANN. Of course; that is always the case.

Mr. NORRIS. And always must be the case.

Mr. MANN. Yes; there is no other way to provide for the extension of the civil service except in that manner. But I wish the gentlemen, if they really believe that this change ought to be made, would make the proposition in such a way that it will be effective.

Mr. LLOYD. Mr. Chairman, in connection with the inspection service there is one unfortunate thing, and that is, viewing it purely from the standpoint of the civil-service law, by some kind of means, I know not whether it is fair or unfair, there are at the present time about 334 Republican inspectors out of 395; and the unfortunate situation that presents itself practically is that a Democratic administration is coming into office and about 40,000 postmasters, who were selected because of their political inclinations, are, at the close of a Republican administration, covered into the service.

Now, if this law permitted an examination of some kind to be made before the individual secured his position, and if the post offices of the country were left open for examination under civil-service regulations after the 4th of March, I do not believe that the Democratic Party would be in a position to make the complaint that it now makes. We are not disposed, and the gentleman from Georgia, notwithstanding he offers this amendment and offers it in the best of faith, to interfere with the efficient service of this Government. But when you cover into the service at the close of the administration 40,000 employees, who secured their positions because of their political faith, and then say, in effect, that these men are to remain in their positions as long as they live or until charges shall have been preferred against them, it does not appeal to a party that will come into power after the 4th of March.

Mr. GARNER. Neither does it appeal to the sense of justice with reference to covering into the civil service men who have been elected regardless of their efficiency, and men that could not be elected to the positions that they are now serving in.

Mr. BARTLETT. And did not get the indorsement of their patrons.

Mr. MURDOCK. Mr. Chairman, I am somewhat interested in the remarks of the gentleman from Missouri, and I would like to know upon what evidence he bases his statement that there are more than 300 Republican inspectors?

Mr. LLOYD. By a kind of investigation that I think is somewhat correct.

Mr. MANN. I think there ought to be better evidence than that; my information is that the gentleman is entirely incorrect in that statement.

Mr. GARNER. Mr. Chairman, will the gentleman from Illinois [Mr. MANN] give us his understanding of the political faith of the post-office inspectors of the United States?

Mr. MANN. I do not know what the proportion is, and I do not believe another soul on earth does.

Mr. BARTLETT. Not now.

Mr. GARNER. I understood the gentleman to say that was his information?

Mr. MANN. Yes.

Mr. GARNER. Then the gentleman must have some information on the subject?

Mr. MANN. I have information enough to say, from what I have been informed, that I believe there are more Democratic inspectors than stated by the gentleman from Missouri [Mr. LLOYD] by a considerable number.

Mr. MURDOCK. There will be after March 4, 1913.

Mr. GARNER. About what percentage?

The CHAIRMAN. The gentleman from Missouri [Mr. LLOYD] has the floor.

Mr. LLOYD. Mr. Chairman, if the test were a request of the inspectors to determine what was their political faith on the 4th of March, 1909, then I think no man who is advised at all would question my statement.

Mr. MADDEN. Yes; but I think the test should be as to what their politics is as of the 4th of March, 1913. You will have them all Democrats then.

Mr. LLOYD. But if you want to raise the question with the inspector to-day, with the knowledge that on the 4th of March the administration will change, I think you would find that perhaps 50 per cent of them were Democrats on the 4th of March, 1913.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Chairman, I do not want to treat lightly the post-office inspector. He is one of the most important factors in the postal regulations. He is one of the best men in that service. More is dependent upon him than on any other employee in the postal service. As a rule he is a man of honor, of integrity, of uprightness, and he wants to do the fair thing. There are exceptions. I do not wish to see him placed in a position where the charge of partisanship in the selection of postmasters throughout the country will be made against him.

Mr. NORRIS. Mr. Chairman, I do not believe anyone would be so unjust as to suggest that in trying to discuss this question I am moved by any partisan motive, because it has been quite a long time since I have had any opportunity to recommend for office anybody with any hope whatever of their getting the office. In fact, my recommendation was sufficient for the loss of all hope, and yet I want to say to the gentlemen on the other side that it seems to me they are taking a narrow view of this situation when they criticize President Taft for placing the fourth-class post offices under the merit system. If I had my way, I would put the whole Post Office Department under that system. I would put the Postmaster General under that system.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. NORRIS. I will in a few minutes. It can be done under the Constitution by the passage of proper legislation by Congress. The gentleman from Missouri [Mr. LLOYD] has referred to the large proportion of Republicans who are post-office inspectors. I have an idea, without definite knowledge of it, but from general conditions I think it would be apparent that under Republican administration the majority of them would be Republicans and under Democratic administration the reverse would be true, and they would be the same men holding the same offices, to a great extent.

The gentleman from Missouri has himself suggested an answer to his own question. That is natural. I will admit there are a great many evils, and there always will be. It is merely a question of reaching as near an ideal condition as possible. We can not expect the inspectors to be any different when the men who are above them are partisans. They necessarily want to please those who have power and jurisdiction over them, and it is quite natural, at least in the majority of cases, that men should shade their partisanship in accordance with the necessities of the occasion. We can remedy all of that if we will take out of politics the men above them. My experience, brief as it has been, with post-office inspectors has been very pleasant. Those with whom I have come in contact I have thought were trying to do their duty—almost all of them at least—without regard to politics and without regard to anything except the conscientious performance of duty. There are exceptions. Even those who want to do what is right might be led to stretch their conscience and do something in a partisan way that was not right if they knew it would please those above them who hold their office as a reward for partisan work in political campaigns.

The Post Office Department is the greatest department of our Government. You can compare it to a great corporation. It ought to be run on principles that are entirely foreign to partisanship. There is not any reason why the postmaster in Georgia or in Nebraska should change simply because there is a change in the occupant of the White House. There is not an official duty or any official in the Post Office Department, from the Postmaster General down to the man who cleans the spittoons in the post office, that is in any way partisan or that bears any relation to partisanship, and partisanship ought to be divorced from it in order that the entire people, regardless of politics, might be best served, and in order that all the work of that great department should be done in the highest order with the greatest efficiency and the greatest amount of good



and the least amount of unnecessary expenditures of public funds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORRIS. Mr. Chairman, I desire to yield to the gentleman from Missouri [Mr. LLOYD], who wanted to ask me a question, and I will ask that my time be extended for five minutes in order that I may do so.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. LLOYD. I was going to ask as a question of fairness and equity, as the situation now presents itself, with 40,000 postmasters selected because of their partisan faith, why they should now be covered into the service and the Democratic Party have no right to change their political complexion.

Mr. NORRIS. Mr. Chairman, I get the force of the gentleman's suggestion. The only criticism I have of President Taft's order is that he should have issued it three or four years earlier than he did; but in defense of it I would say that he has precedents for all of these orders. Grover Cleveland did the same thing, and so did other Presidents. Whenever they extended the merit system under the law they put under the system the officeholders who were then holding the positions. If President Taft has now placed anybody under that system who is incompetent, I presume it would be proper that charges should be preferred against him and he would be removed, as he ought to be.

If there is a way to put them under, to extend this merit system, without putting those of a political partisan belief in complete control, I would be glad to do it.

Mr. LLOYD. Under the Civil Service Commission, if these are to be covered into the service, could not the order be so changed as to provide for the examination and to allow all parties—Democrat, Republican, Progressive, Socialist, and Prohibition—to come in?

Mr. NORRIS. It applies to the appointments—

Mr. LLOYD. It applies to new appointments; but the fact is, the man is in, and he is going to stay in as long as he can.

Mr. BARTLETT. If the gentleman will permit me, the examination does not apply to the new appointments except where the offices pay over \$500, and there are 30,000 that do not pay over \$500.

Mr. NORRIS. I had that particular question up with the Civil Service Commission—and I do not think anybody here will charge those gentlemen with being in any way partisan in the discharge of their office. I had up that particular proposition, and they were laboring then, at the request of the President, on the question of seeing whether it was a practical proposition to put these fourth-class post offices under the merit system. They told me at that time—and I think it will appeal to all of us—that in a great many fourth-class post offices the competition was not between men to get the office, but the question was to get somebody to take the office. We have many fourth-class offices in different districts in which we do not have men to take the post office—at least I do have many in my district—and in the question of post offices it is more often a question of getting somebody to take an office, and in such offices, when I recommended men for appointment, there never was a question of politics raised. It did not make any difference what the politics of a man was in those small offices; it was a question of getting a man to take it. But the Civil Service Commission in working out a practical scheme concluded it was useless to make extended examinations and make provisions for examinations to be made when there was no one who wanted the office, and they provided this plan of inspectors to make the investigation. I think they did it in good faith. I do not know how it has worked. If it is working all right, I think it ought to be continued. If it is not working right, I think the Civil Service Commission would be glad to change it. But there are a large number of fourth-class post offices where, if you were to advertise for applicants, you would not get a single applicant. If there is any better way of extending the merit system so as to include the fourth-class postmasters than is provided in this order, then let us have it. The President followed the precedents in doing it, but I am not wedded to it on this account, and I would be glad to support any plan to improve it; but it is a big improvement over past conditions, and I will not consent to tear it down until you can suggest something better to replace it.

Mr. MADDEN. Mr. Chairman, we are talking on this question of post-office inspectors on the assumption that it is a political office and that everything the post-office inspector does is a partisan act. No man can be appointed a post-office inspector who is not recruited from the ranks of the post-office service.

No man in the ranks can get a place as post-office inspector until he has served a certain number of years and reached a certain grade, and even then he can get to be a post-office inspector only as the result of examinations, for which he is designated.

Mr. LLOYD. That is absolutely true, unless an order is made waiving the rule.

Mr. MURDOCK. Will the gentleman yield for just one word there?

Mr. MADDEN. Yes.

Mr. MURDOCK. Will the gentleman explain what the process of designation is in the Post Office Department for the examination of those who desire to be inspectors?

Mr. MADDEN. So far as I am able to do so I will. I made a sort of an examination of the chief inspector one day before the Post Office Committee, and I made some inquiry as to how these men reached the place known as post-office inspectors, and I was told just what I have stated, that the man must have been in the service a certain number of years; that he must have reached a certain grade before he could be designated for an examination; that the designation is made, of course, by the chief inspector, and if the chief inspector is a rank partisan he can reject an applicant and designate anybody that he chooses, and to that extent, of course, the chief inspector has the power of life or death over the appointment of an inspector. I think that that is a fair statement of the case. But in the city from which I come—

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MADDEN. Surely.

Mr. BARTLETT. The gentleman does not understand me as making any attack on inspectors? I have not done so here. I am attacking the system.

Mr. MADDEN. I am only trying to explain what I understand to be the situation.

Mr. BARTLETT. The gentleman does not understand that I said anything in reference to the political office of inspector? I know some of them, and I know some of them who are pretty rank partisans, too.

Mr. MADDEN. What I was saying, Mr. Chairman, was this, that under the civil-service rules any citizen of the United States who is of good character and proper age, and who has the necessary qualifications, can take the examination which is prescribed, and enter the public service, and I undertake to say that in the neighborhood of where I live there are more Democrats who take the examination for entry to the public service than there are Republicans, and I have never yet seen any discrimination exercised by the appointing power of the local post office in Chicago.

Mr. GARNER. The gentleman just a moment ago said something as to his entering the public service. It is rather a particular service.

Mr. MADDEN. The Post Office Department—

Mr. GARNER. That does not include postmasters?

Mr. MADDEN. No.

Mr. GARNER. That includes those who have gone into the service under the civil service?

Mr. MADDEN. Yes. And it is from this class of men that I describe, who are eligible to appointment after examination, that inspectors are made. Now, whether the man who is at the head of the inspecting force already has power to appoint, may be so rank in his partisanship that he will not recognize merit rather than politics, I do not know.

But I assume that men do not rise to places of merit in a great business institution like the postal service unless they are qualified, and I do not know of anything in the nature of partisan politics that ever qualified a man for the performance of a business function.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New Jersey?

Mr. MADDEN. Certainly.

Mr. TOWNSEND. I would like to inquire of the gentleman how this eligible list from which these appointments are made is established.

Mr. MADDEN. It is established by reason of the fact that the man has served the requisite number of years and has reached a requisite standard of efficiency, and from that class of men designations are made, and from that class only.

#### MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. RUSSELL took the chair as Speaker pro tempore.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8763) to regulate the business of loaning money on security of any kind

by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia.

The message also announced that the Senate had passed the following order:

*Ordered*, That the Secretary of the Senate do acquaint the House of Representatives that the Senate, sitting as a High Court of Impeachment, will on Monday, the 13th day of January, instant, at the hour of 1 o'clock p. m., proceed to announce judgment on the articles of impeachment exhibited by the House of Representatives against Robert W. Archbald.

#### POST OFFICE APPROPRIATION BILL.

The committee resumed its session for the further consideration of the Post Office appropriation bill, H. R. 27148.

Mr. RODENBERG. Mr. Chairman, I would like to ask my friend from Missouri [Mr. LLOYD] a question. He seems to be greatly exercised about the Executive order placing fourth-class postmasters under the protection of the civil service. I would like to inquire whether the gentleman is aware of the fact that the organization known as the National Civil Service Reform League has for years been advocating the classification of fourth-class postmasters?

Mr. LLOYD. Yes; I am aware of that.

Mr. RODENBERG. Is the gentleman also aware of the fact that the President elect, Woodrow Wilson, has for years been a most active member of that National Civil Service Reform League, and that he has frequently participated in the deliberations of that league where they unanimously advocated the classification of postmasters?

Mr. LLOYD. No, sir; I did not know that.

Mr. BARTLETT. May I ask the gentleman a question while he is up?

The CHAIRMAN. Does the gentleman yield?

Mr. RODENBERG. Yes.

Mr. BARTLETT. The gentleman himself was at one time a member of the Civil Service Commission, was he not?

Mr. RODENBERG. Yes, sir; and that is the reason why I happen to know the attitude of the President elect, because he was one of the active members of the Civil Service Reform League.

Mr. LLOYD. So far as I am personally concerned, I do not know anything about the views of the incoming President.

Mr. CANNON. Does the gentleman think he has reformed? [Laughter.]

Mr. RODENBERG. I have no information about his reformation.

Mr. CLINE rose.

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE] is recognized.

Mr. CLINE. Mr. Chairman, I want to make an observation about the extreme fairness that has been assumed by the gentlemen on the other side and in justification of the President as to the execution of the civil-service law. I am speaking as the result of my own observation, and my belief is that there is not a first, second, or third assistant postmaster in the range of my acquaintance that is not a Republican politician and who was appointed simply because he was a political factor, had rendered political service, and received his position as a reward for the service he had rendered.

Now, if the President had sought to present to the country an exhibition of fairness, why did he not invoke the same rule then, or see that it was enforced, that he now seeks to invoke, namely, that when a vacancy occurs in a first, second, or third assistant postmastership in these offices one of the staff in the post office should be promoted to that position, one who has gone through the examination and qualified himself. That would have been an exhibition, I take it, of real fairness on the part of the President.

I say it is not an exhibition of good faith in the execution of the law to induct into responsible official positions a lot of ward politicians, without examination, without any qualification except that they are Republicans, and then cover them with a civil-service blanket, under the pretense that you are executing the civil-service law for the good of the country.

I want to say to gentlemen on the other side that we on this side are just as strongly in favor of the execution of the civil-service law as you are. What we are opposed to is the system by which you have emasculated the law. That is what we are opposed to. In some manner, in some way, through some process in the execution of the civil-service law it has happened in places such, for instance, as those of rural carriers and fourth-class postmasters, that 90 or 95 per cent are Republicans. Take my own district, which has 168 rural carriers. Less than 20 of them are Democrats.

Mr. RODENBERG. How many of those carriers were appointed before the civil-service examination was required?

Mr. CLINE. I do not know. I can not answer that question.

Mr. RODENBERG. That is quite material.

Mr. CLINE. Less than 20 of the 168 are Democrats. But the method of appointing rural carriers which is actually in practice was adopted because, as every man in this Chamber knows, they are the most efficient political agency there is in the country.

Mr. RODENBERG. They were not very effective last November.

Mr. CLINE. That was not their fault. Every carrier who goes out to deliver mail on a rural route knows the politics of every man on his route, and I know that it has been made a part of his business to report to his superior the political condition of every man on his route where there is any question about his political loyalty. I am not arraigning the rural carriers. They are good men, but because of the environment of their appointment, the manner of their selection, they felt under obligations to the men who appointed them or to the party that appointed them. We are as much in favor of a pure civil service as you are, but we do not want to have a vicious system employed for the emasculation of the law. We want the law executed in good faith. That is our position upon that point. We say that in order to exhibit the fairness that it is now pretended the President has shown in his order he ought to have advanced the first, second, and third class assistant postmasters in the same manner in which he now seeks to have them appointed, by promotion from the places that have been filled by examination. [Applause.]

Mr. COX. Mr. Chairman, as discussion upon this question seems to be the rule, I want to say a few words. In the first place, I desire to say that I am in favor of the civil-service law as it is written on the statute books, and I am further in favor of its being administered according to its spirit and intent. I have no quarrel with the law. I think it was originally designed for a splendid purpose. I think if it was justly and properly administered it would serve the country admirably. But I desire in a few words to call the attention of members of this committee to its fraudulent and vicious administration in the State of Indiana.

I want to add to what my colleague [Mr. CLINE] has said, and I base my statement upon an investigation which I have made in the State of Indiana relating to rural carriers, city carriers, and fourth-class postmasters in the State of Indiana. There are between 1,500 and 1,800 rural-route carriers in Indiana, and less than 5 per cent of them are Democrats. Less than 5 per cent of them were Democrats when they were appointed. I am not laying the blame for this at the doorstep of the Civil Service Commission. I do not know where to lay the blame. If I did, I would lay it there. But to me and to everyone in the State who has given a moment's thought to the subject, it is plain that there is some underground tunneling method somewhere; that there has been an undertunneling method somewhere, some place, somehow, to always indicate the name of the Republican who stood the examination.

Mr. MADDEN. Perhaps you will find it when you get into power.

Mr. COX. I am going to do my level best to do it.

Mr. MANN. That is something I have never been able to do.

Mr. BEALL of Texas. Does the gentleman from Indiana intend to use it when he finds it?

Mr. COX. I intend to use it if I ever get the chance. Some system has been in vogue by which somebody, either the Civil Service Commission or the head of a department who calls for a certain employee to be certified by the commission, is told that a certain man is of a certain political faith.

Mr. MADDEN. The Civil Service Commission are Democratic now, and have been for a good many years.

Mr. COX. They say they are.

Mr. MADDEN. Oh, well, they are.

Mr. COX. I do not know anything about their politics, but if they are Democrats they or some one else has played a great game of politics for the Republican Party. I am talking about conditions, and I am talking about the manner in which I know the civil-service law has been administered in the State of Indiana.

Mr. MURDOCK. Does the gentleman mean to segregate the rural carrier service when he makes his last statement? I am interested in what the gentleman says, and I am anxious to know if he intends his remarks to apply particularly to the rural carrier service.



Mr. COX. My remarks apply all along the line, as to the manner in which the civil-service law has been administered, including the Rural Free Delivery Service.

Mr. MARTIN of South Dakota. In all the gentleman's investigations has he not been able to locate the way in which the civil-service administration could be twisted politically?

Mr. COX. I will say to the gentleman from South Dakota that I have not got to that point, but I am getting the information compiled now in the State of Indiana, and later on I proposed to introduce a resolution, and if I can have the House pass it, I propose to locate the responsible parties who have dug the underground tunnel whereby the law has been violated or not enforced at all in any sense of the word.

Mr. MOON of Tennessee. Does the gentleman from Indiana know how it is that the inspectors are frequently appointed?

Mr. COX. I know that the present inspector was appointed from civil life. He was not a post-office inspector at all. The President just suspended the civil-service law and dumped him into the office.

Mr. MADDEN. You can do that when you get your man in.

Mr. COX. The trouble is they have got all the jobs filled in Indiana, so far as the rural routes are concerned.

Now, Mr. Chairman, I desire to restate briefly what I stated a moment ago, at the risk of repetition. I am in favor of the civil-service law. I believe it was originally designed for a splendid purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks for three minutes. Is there objection?

There was no objection.

Mr. COX. I believe that if the civil-service law was carried out it would serve the country and serve it admirably, but I state that some system has been found out in my State by which to get around it. For instance, an interview was sent out from the city of Washington the other day to one of the Indianapolis papers, and one of our State officers read it and wrote me a letter about it, in which he said:

Your interview is absolutely correct. We have 23 rural-route carriers in my county. I know every one of them. They are to-day solidly Republican, and every one of them was a Republican at the time of his appointment.

I have reports in my office from a little more than 40 of the 92 counties in the State of Indiana, which reports disclose the fact that less than 5 per cent of the rural-route carriers in the State of Indiana are to-day members of the Democratic Party. I am not quarreling about that, but if we have a civil-service law I am in favor of letting merit win and not political pull, and the way it has been administered merit has had but little or nothing to do with it. I am in favor of President Wilson revoking President Taft's order putting these 36,000 post offices under the civil service and restore them to a competitive examination, where brains and brains alone will win. The very fact that the law has been administered in the way it has is what has bred contempt for the law. All over my State it is a known fact as to the way and manner of administration of this law. It has been so notoriously administered from a partisan viewpoint that many bright, active, intelligent, and well-educated Democrats of late have refused to go in and stand an examination, feeling that some roundabout way would be devised to evade the law. I have now in my possession a large amount of data backing what I say, and I have only begun to gather it.

I am in favor of restoring the fourth-class post offices to a point whereby an honest, fair, conscientious examination will be held, and let brains win, and not an underground-tunnel method control. If my party can not stand up and win with this test, so far as I am concerned, they have got to lose. [Applause.]

Mr. MURDOCK. I would like to ask the gentleman from Indiana how he is going to find this underground tunnel with reference to fourth-class postmasters. In the selection of clerks for the post offices they have to choose from the first three men at the head of the list.

Mr. COX. Yes; and in my judgment that is the nib to it.

Mr. MURDOCK. That is a perfectly plain way of discovering the underground tunnel, so far as the post-office clerks are concerned, but the local postmaster who is a Republican has no control in the selection of the rural carriers.

Mr. COX. The gentleman knows that before a rural route is established an inspector goes out and goes over the route, and then, as the gentleman from Missouri says, out of the three hundred and sixty-odd post-office inspectors more than 300 are Republicans. I am not sure, Mr. Chairman, but right there is the other nib.

Mr. MURDOCK. I do not believe that the gentleman will find any underground tunnel in the Rural Free Delivery Service.

Mr. COX. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. MOON of Tennessee. Mr. Chairman, I move that all debate on this amendment close in 10 minutes.

The CHAIRMAN (Mr. RODDENBERRY). The gentleman from Tennessee moves that all debate on this amendment close in 10 minutes.

The motion was agreed to.

Mr. GILLETT. Mr. Chairman, I think to some of us on this side of the House what the gentleman from Indiana [Mr. Cox] has just stated seems quite natural. I think we would be disposed to agree that both at present and always in the future, so long as the merit system shall prevail and appointments are made by competitive examination, not more than 5 per cent of the successful ones will naturally be Democrats. That possibly explains the condition in Indiana. Now, I know nothing about conditions there, but the one thing which I think is striking is that the opposition on that side of the House to the fourth-class postmasters being under the civil service has only sprung up since a Democratic President was elected.

Mr. COX. I think I can truthfully state that that was the only hope that was held out to the Democratic Party whereby we could ever hope to overtake you.

Mr. GILLETT. But when we were in power four or five years ago and we covered into the civil service in a portion of the country the fourth-class postmasters no objection then on that side of the House was made. You were perfectly willing that they should not be patronage appointments so long as we had the President. But as soon as you are going to have the President you want to have the old spoils system reinstated, so that you may have the appointments and enjoy the fruits of victory.

Now, the gentleman says he is in favor of the civil service in the abstract. I am happy to see that it is not as popular now as it was 10 or 15 years ago for a man to get up and say that he was in favor of the old system, and therefore men now readily say that they are in favor of civil service, but they couple it with some such a proposition as the gentleman says he wants, to repeal the order which now exists. They favor some modification which gives them an excuse to oppose the system.

Mr. COX. Restore it and make it a competitive examination.

Mr. GILLETT. Yes; you always want something that is different. You want to go back to the old system and say you will get something better. We all know that the present system is not perfect, but I believe it is a great deal better than the old system. I will confess that when the fourth-class postmasters were put in the classified service by President Roosevelt I thought it was a mistake. I did not believe it would be a good way to select postmasters, but I think it has worked well. A great many extensions to the civil service I have at times criticized, but I have invariably found so far that in practical operation they have worked well. The only opposition apparently on that side of the House to it now is that it does not appoint enough Democrats to office. That is the real gist of the position which they are taking. That is the gist of this amendment which is pending, that the inspectors shall not be allowed. You want to take the fourth-class postmasters out of the civil service because you want the patronage.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. FITZGERALD. Is the order that has been issued as to the method of selecting the fourth-class postmasters different now from what it was when the fourth-class postmasters were originally put into the classified service?

Mr. GILLETT. I do not know whether there is any difference or not.

Mr. FITZGERALD. My recollection is that under the order for the selection of these men, if the office pays over \$500, they are selected from the classified service after examination. But if it pays less than \$500 they are selected by the post-office inspectors, and as about 99.9 of the post-office inspectors happen to be Republicans the gentleman would hardly expect Democrats to be satisfied to have Republican officials select, without the protection of the civil-service system, employees under a Democratic administration.

Mr. GILLETT. The gentleman does not think that the post-office inspectors, whatever their politics, are political agents.

Mr. FITZGERALD. They are at times. Four years ago, when the gentleman who is now Speaker of the House was a candidate for membership in the House, and it was a notorious fact that if the Democrats succeeded in carrying the House he would be Speaker, the post-office inspectors went through his district campaigning against him, and they were so active that he was compelled to file charges against some of them in the Post Office Department. Those are the men who will be selecting fourth-class postmasters in offices where the compensation is less than \$500 in a Democratic administration, if this order continues without change.

Mr. GILLETT. This order can be modified by the President.

Mr. FITZGERALD. It is not a question of modification; it is a question of propriety in issuing it just before an adverse administration comes into power.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the time of the gentleman from Massachusetts be extended for I did not mean to take up his time.

Mr. GILLETT. I ask for one minute more.

The CHAIRMAN. The gentleman from Massachusetts asks for one minute more. Is there objection?

There was no objection.

Mr. GILLETT. The answer to that is that it is not necessary for us to repeal it; the whole matter is in the hands of the President. He can modify it in any way he sees fit. If there is danger of partisan unfairness in it, all he has to do is to modify it. There is no necessity for the House overturning the order and putting us back into the spoils system.

Mr. FITZGERALD. As to what he should or should not do may be a debatable question, but the gentleman can not believe if an error has been made or a wrong has been done, simply because the administration may remove the wrong, that the House ought to refuse to exercise any power it may have.

Mr. GILLETT. Yes; I do believe that if there is one part of the order which the gentleman thinks is partisan it is not necessary for us to repeal the whole order, for the Democratic President can be trusted to prevent Republican partisanship; and if you proceed to repeal the whole order on that criticism no one will believe that that is the real purpose. They will believe, as I do, that what you want is to go back and have the old patronage system.

Mr. FITZGERALD. Mr. Chairman, I have no fourth-class post offices in my district, but if I had I should want Democrats filling those offices during a Democratic administration. [Applause on the Democratic side.]

Mr. GILLETT. That is just what I thought was at the bottom of all this agitation on that side of the House.

Mr. SMALL. Mr. Chairman, I do not desire to discuss the wisdom or unwisdom of putting the fourth-class postmasters in the classified service, but largely in answer to the remarks of the gentleman from Massachusetts [Mr. GILLETT] I do desire to criticize the personnel of the fourth-class postmasters, certainly in my own State and, as I understand, generally in the South. If there is any local official who comes in close contact with the citizens of the community and who should be typical of the best there is in the community, possessing their confidence, it is a rural fourth-class postmaster. The fourth-class postmasters, in North Carolina at least, as they have been heretofore selected, are not of the class which is typical of the best element of the community. There are good Republicans in my State, but very few of them as a rule have sought or at least have been appointed to these offices. The rule there has been during the Republican administrations, when there was a vacancy, to certify that fact to the State referee who was ordinarily the State Republican chairman. He, in turn, referred it to the county chairman, and the county chairman selected the fourth-class postmaster to fill the vacancy, regardless of protest respecting his unfitness for the position. Protests were unheeded, and the selection of the county chairman was certified by the State referee, and the appointment was made.

The misfortune connected with this order is in covering these men into the civil service, to be removed only upon charges, and all of us know how difficult it is to make charges sufficient before the Civil Service Commission to remove the incumbent of any subordinate office. If any arrangement could be made by which the terms of all of these fourth-class postmasters, in my State, to illustrate, could be declared vacant and there could be a new deal by which every citizen could have an opportunity, even under the regulations now in force, to receive the appointment of fourth-class postmaster, I admit that much of the ground for criticism of this order would be removed, in my humble judgment. But because of the personnel of these fourth-class postmasters and of the manner of their appointment, and

because they do not represent the best element in the community, I regard this order as particularly unfortunate and ill timed.

The CHAIRMAN. The time of the gentleman from North Carolina has expired. All debate on this amendment is exhausted. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 28, noes 19.

So the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment. I understand that the figures "65," line 8, page 2, are in error, and that the number should be 75.

The CHAIRMAN. The Chair will state to the gentleman from Wyoming that an amendment to that effect has been agreed to.

Mr. MONDELL. Mr. Chairman, I move to amend by striking out the word "seventy-five" and inserting the word "ninety."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 8, strike out the word "seventy-five," as amended, and insert in lieu thereof the word "ninety."

Mr. MOON of Tennessee. Mr. Chairman, on that I make the point of order that it is increasing the amount provided by the general law.

Mr. MANN. Mr. Chairman, while that point of order would not be good, I think, I will reserve the point of order that the amendment having been adopted by the committee it is not now subject to further amendment.

Mr. MONDELL. Mr. Chairman, I trust the gentleman from Tennessee will reserve his point of order.

Mr. MOON of Tennessee. Mr. Chairman, if the gentleman desires to talk, I have no objection, and I will reserve the point of order.

Mr. MONDELL. Mr. Chairman, I would like at this time to speak briefly to the merits of the amendment. I am not informed as to what the President-elect proposes to do with regard to the recent order placing fourth-class postmasters under the merit system. I am not in the councils of the leaders of the Democratic Party, and therefore I do not know what they are going to insist upon. But I think it is our duty to pass this bill and provide for the Government service under the conditions that now exist, and no one will claim that there are sufficient post-office inspectors in the service, provided the present civil-service order, or something akin to it, with reference to fourth-class postmasters is to stand.

Mr. MOON of Tennessee. Mr. Chairman, I would not agree to that. I think we could cut that down one-third, even if it stands.

Mr. MONDELL. Mr. Chairman, I live in a country where we have many fourth-class post offices. There are over 400 in my State. I have been recommending the appointment of fourth-class postmasters for 18 years, and I sometimes marvel, having had that experience for 18 years, that I am here to-day.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. BARTLETT. Some of us have been here that long and have not been able to recommend anybody, and we want to see what the experience will be like. [Laughter.]

Mr. MONDELL. Mr. Chairman, out of the abundance of my experience, I want to suggest to my good friends on the other side, that I have so high regard for them that I could not think of uniting in a proposition that would give them the experience that I have had in all these years. They might not be as lucky as I have been.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. ADAMSON. Would it not have been a little more consistent for the gentleman to have favored that change at the beginning of his experience instead of at the end of it?

Mr. MONDELL. Mr. Chairman, about the time of the beginning of that experience, to wit, after my defeat at the end of my first congressional term, I for a short time served the Government in the General Land Office. That office at that time was entirely filled with a large number of very excellent gentlemen, worthy and qualified. Most of them were in the main from the sunny South, all appointed by Grover Cleveland, and in the very closing days of his administration all of them were covered by his order into the civil service.

Mr. BARTLETT. Is it not a fact that in order for my friend to have a position for himself a Democrat appointed by Cleveland had to be demoted?

Mr. MONDELL. Not much. He was kept in a very honorable and well-paid position for a long time, and he was worthy



of it, as my friend knows. But, Mr. Speaker, we must pass upon this bill under the conditions as they now exist. This is the situation: Vacancies are occurring in the fourth-class post offices. I am delighted to be relieved of the responsibility of saying who at various lonesome corners in seven or eight counties shall be the fortunate recipient of the honor and responsibility of handling the Government mail. I was generally able to very promptly make a recommendation formerly, owing to my wide acquaintance in the community. I think in the main my recommendations were reasonably fair, else I would not have been here. A great many of the men I have recommended have been Democrats, and I have never in any case of a fourth-class post office, where I was sure the party was qualified and was the choice of the people, inquired as to the politics of the candidate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, inasmuch as I have been somewhat interrupted, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. MONDELL. But under present conditions there can be no appointment at all until there has been an investigation and examination by a post-office inspector. It happens to be the case that the few inspectors that my friend from Missouri [Mr. LLOYD] has found in the service seem to be all in our locality, for the inspectors in my State, I think, are mostly Democrats. I do not quarrel with that. I think that is very appropriate for the incoming Democratic administration. But these gentlemen have great distances to travel, and I can not agree with the chairman of the committee that it is possible for them to perform these added duties and to make these recommendations within a reasonable time. It is utterly impossible. Either the system is to break down—and possibly our friends on the other side want it to break down and come into disrepute, by failure to make recommendations—

Mr. MOON of Tennessee. You have about eight inspectors.

Mr. MONDELL. Oh, no. We have only two or three in our State.

Mr. MOON of Tennessee. I am talking about the average of the State.

Mr. MONDELL. I do not know anything about the average of the State. But I know that the force is entirely inadequate to care for these added responsibilities, and I have absolute confidence in the fairness and justice of the inspectors—Democrats and Republicans alike—to make fair and wise recommendations, so far as it is possible for them to do so with their knowledge of the situation. But we must provide a sufficient number of men to perform this service, else the system will be very unpopular by reason of the long delays in making recommendations. I have asked for an increase of 15 men of the lowest grade. It is not enough when you take into consideration the fact that there are thirty and odd thousand of these places. Vacancies constantly occur. The distances in the region where the fourth-class post offices are most numerous are very great. If the service is to be carried on in a satisfactory way we must have inspectors enough to make these inspections promptly.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. FITZGERALD. Is the service unsatisfactory now?

Mr. MONDELL. Under the old system?

Mr. FITZGERALD. Under the present system.

Mr. MONDELL. Well, there are not enough inspectors now. The order was issued comparatively recently. There have been, possibly, very many vacancies since the order was issued, but I think there have been no appointments at all in our State, which is evidence that they have not had inspectors enough to make the inspections.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. MANN. The gentleman has noticed that the House has just passed an amendment providing that these inspectors can not receive any pay while making these examinations for fourth-class post offices, and I apprehend nobody can require them to work for nothing. What is the object of increasing them for the reason the gentleman gives?

Mr. MONDELL. I suppose the amendment was simply adopted for the time being for political effect. I do not assume it will go into the bill when the bill becomes a law, and there is not a gentleman on the floor who has any idea that it will. So I am offering my amendment without regard to that merely political amendment which was adopted here a few moments ago.

Mr. MANN. The gentleman means the job-seeking amendment?

Mr. MONDELL. Job-seeking amendment is not so polite a term, and I desire to be polite.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Is it not a fact that in the offices that pay only three or four hundred dollars it is often difficult to find people to take them?

Mr. MONDELL. It is very difficult in some cases to find anyone to take a fourth-class office.

Mr. GREEN of Iowa. Does not the gentleman think that on account of the insufficiency of the number of inspectors that those who have these offices to fill will experience great delay? I have tried for two months to get an inspector to go to an office which a man wants to give up.

Mr. MONDELL. That is true. We are not able to have inspections made relative to applicants. Inspections are not being made so as to relieve the present incumbents. Therefore our friends on the other side in refusing to allow these additional inspectors are unquestionably keeping some good Democrats out of office, because if the Republicans now holding these positions could resign in these cases where they are attempting to resign, Democrats might likely be appointed.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

The gentleman from Tennessee [Mr. MOON] has made and reserved a point of order.

Mr. MOON of Tennessee. Mr. Chairman, it may be that the point of order I made is not well taken, because I understand the committee, while I was absent a few moments ago, increased the number. The point of order made by the gentleman from Illinois [Mr. MANN] that my point of order is not well taken may be true.

Mr. MANN. My point of order is well taken.

The CHAIRMAN. Will the gentleman from Illinois make his point of order?

Mr. MOON of Tennessee. I reserve my point of order, too.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, unusual and extraordinary expenses necessarily incurred for maintenance by inspectors over and above per diem allowance while traveling on official business in the District of Alaska, and for the traveling expenses of two clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, \$41,400.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do so for the purpose of suggesting to the gentleman in charge of the bill that he offer an amendment to strike out, in line 16, the words "the District of," so that it would read "traveling on official business in Alaska." We have created Alaska into a Territory, and it is not necessary to describe it.

Mr. MOON of Tennessee. I have no objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

On page 3, line 16, strike out the words "the District of," so that it will read "on official business in Alaska."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, \$7,500: *Provided*, That of the amount herein appropriated not to exceed \$5,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.

Mr. TOWNER. Mr. Chairman, I desire to present an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, in line 8, page 4, following the word "criminals," the following: "That section 17 of the act of March 3, 1879, chapter 180, first supplement, 245, be, and the same is hereby, amended as follows:

"Strike out the word 'books' and the comma following it in the first line of said section of said act.

"Sec. 2. That books and bound pamphlets not intended or used in whole or in part for advertising purposes, and not classed as magazines

or periodicals, shall be entitled to the parcel-post rates as stated and specified in section 8 of the act of August 24, 1912, being an act making appropriations for the service of the Post Office Department."

Mr. MOON of Tennessee. I make a point of order on that amendment. It is new law.

Mr. TOWNER. Mr. Chairman, will the gentleman reserve the point of order until I can make a brief statement?

Mr. MOON of Tennessee. I will reserve it for five minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, the point of order is, I suppose, good, notwithstanding the fact that it seems to me it would be nothing more than right and proper that it should not be made as against this proposed amendment.

Gentlemen will remember that the parcel-post law was included as a part of the last Post Office appropriation bill, and it is for the purpose of curing an omission or a mistake in that law that this amendment is now offered.

I presume it will be a surprise to many gentlemen to know that books are not included in the reduced rates that are granted under the parcel-post law. I presume it will be a surprise to many to learn that codfish and beans can go through the post office now at a less rate than books can. It has only recently become understood that such is the case.

I think I may say that it was almost universally supposed that books would at least have the rates of such commodities as I have mentioned. The matter was called to my attention by some of the librarians of the country, who are surprised to find that books can not be sent to them or from one library to another, or that the great system of traveling libraries that is now in operation in almost all the States can not have the benefit of the parcel-post rates.

I can not understand why they should not have such rates, I am informed upon inquiry, in trying to ascertain the cause, that the proposition came before the committee for consideration in an effort to consolidate the third and fourth class rates, and that that would have resulted, perhaps, in including some matters under the parcel-post rates that are now having a better rate than they would then have secured. But certainly there can be no objection anywhere to books having the rates that merchandise has under the fourth-class rate; and that is the only object and purpose of this amendment.

I sincerely hope that the chairman of the committee and gentlemen interested will not make the point of order as against my proposed amendment at this time.

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] makes a point of order. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL.

For compensation to postmasters, \$30,250,000.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kansas [Mr. MURDOCK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 5, line 2, after the figures "\$30,250,000," insert the words: "Provided, That no part of this appropriation shall be expended in the payment to postmasters of the first class where any part of the amount of the salary has been computed on the sales of parcel-post stamps."

Mr. MURDOCK. Mr. Chairman, the postmasters of the country are paid on the basis of the amount of receipts at the offices. The first-class post offices are those offices which reach in annual receipts \$45,000, and the salary of the postmaster increases thereafter up to a point where the receipts reach \$600,000, whereupon the salary of the postmaster becomes \$6,000, which, with the exception of the post offices at New York and Chicago, is the maximum salary of first-class postmasters.

Mr. LLOYD. This amendment applies only to first-class post offices?

Mr. MURDOCK. Yes; it applies only to first-class post offices.

In the case of second-class postmasters it is the same as with the first, save that the salary increases on smaller receipts. It is the same with third-class postmasters. In the case of fourth-class postmasters, as most members of the committee know, the system is different. On the first \$50 sale of stamps the fourth-class postmaster gets 100 per cent. On the first \$100 sale of stamps he gets 60 per cent, and so on up to the time he sells \$5,000 worth, when the salary becomes third class.

Mr. MOON of Tennessee. I will say that the gentleman's amendment appears to be a very good one.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. MURDOCK. Yes.

Mr. MANN. Would it not be possible under that amendment for a postmaster of the second class to receive as high a salary, or possibly a higher salary, than a postmaster of the first class?

Mr. MURDOCK. I do not think it would.

Mr. MANN. I should think, without knowing, that it certainly would.

Mr. MURDOCK. No, I will say to the gentleman from Illinois. It might send some of the second-class postmasters into the first class, but it would not give the second-class postmasters more than the salary of a first-class postmaster, because if a second-class postmaster had sufficient receipts to pass him into the first class further increment by the sale of parcel-post stamps would cease.

Mr. MANN. The question, then, would be whether under the amendment a second-class office would pass into the first class by the sale of parcel-post stamps. Forty-five thousand dollars is the limit for a first-class office, is it not?

Mr. MURDOCK. Yes.

Mr. MANN. Suppose the receipts from a post office were \$44,500. That would be a second-class office. Another office that has receipts of \$45,000 is a first-class office. I suppose the salaries are practically the same now. In a second-class office the sale of parcel-post stamps has some effect. It is perfectly apparent that these cases will arise. I do not say that it would be an injustice, but it is perfectly apparent that you can not keep such a thing on the statute books very long.

Mr. MURDOCK. My purpose in offering the amendment, as the gentleman knows, is because it is estimated that we will sell something like \$50,000,000 worth of parcel-post stamps the first year.

Mr. MANN. I do not know who made the estimate, but I think it is a wild, extravagant estimate. I hope the amount will not be that large.

Mr. MURDOCK. That is an estimate made by the men in the Post Office Department, and I do not think it is very far afield. Our sale of stamps for first-class postage is now, I think, above \$150,000,000, and I want to say to the gentleman from Illinois that this should be done for this reason—

Mr. MANN. If the gentleman's amendment goes in, it practically forecloses the proposition of allowing the ordinary stamps to be used on parcels, which, it seems to me, ought to be allowed.

Mr. MADDEN. They will not allow you to use them now.

Mr. MANN. No; I know the law forbids that now, as it did when they first commenced the special delivery of letters. There are thousands of packages which have been deposited in post offices throughout the country which have been stamped with ordinary stamps without knowledge that the law required special parcel-post stamps. And probably that will always continue.

Mr. MURDOCK. I want to say to the gentleman that while I understand that point is well taken, here we have an old law—29 years old now—under which we pay postmasters; and I think the gentleman appreciates that that is an antiquated law which is out of date so far as first-class postmasters are concerned, if not second and third class postmasters. For instance, a man in a large office, whose receipts are something like \$200,000 or \$300,000 a year, has nothing to do personally with the sale of stamps, and the fact that the sale of stamps increases \$50,000 or \$60,000 a year does not add anything to his burden, and but little to his responsibility, and this is a chance to start in now and prevent a large increase of expenditure in the way of salaries under this antiquated law.

Mr. FITZGERALD. Why should not such a limitation be placed on second-class postmasters?

Mr. MURDOCK. I have simply tried it on the first-class offices in the way of a beginning. I would be glad to accept an amendment extending it to other postmasters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURDOCK. I ask five minutes more.

The CHAIRMAN. The gentleman from Kansas asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MURDOCK. My idea was that if my amendment included second and third class postmasters it would arouse opposition which might be fatal to it, because of the fact that in some of the second and third class post offices the parcel-post business undoubtedly does add to the burdens and responsibilities of the postmaster.

Mr. FITZGERALD. Let me ask the gentleman if the receipts from the sale of parcel-post stamps will increase the receipts of second-class offices so as to make them first class,



would not their elimination have the effect of throwing the offices in and out?

Mr. MURDOCK. I think not. I think it will throw the second-class postmaster into the first class, and make the office a first-class post office.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Kansas [Mr. MURDOCK].

The amendment was agreed to.

The Clerk read as follows:

Auditors, and superintendents of mails, 7, at not exceeding \$3,000 each.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I think there is an error in printing the figures, either in this paragraph or the next one. There are under the current law 7 of these officials at \$3,000 each. The department recommended 17. This paragraph does not increase the number. In the next paragraph there are now 15, and the department estimated for 10. The committee took the department's estimate of the decrease from 15 to 10 without making any increase in the former class. I am quite sure it was not the intention to reduce the number.

Mr. MOON of Tennessee. I have just looked into that matter. These are the figures of the Assistant Postmaster General.

Mr. MANN. Then the Assistant Postmaster General has made a mistake.

Mr. MOON of Tennessee. In what respect?

Mr. MANN. There are now 7 of these officials at \$3,000 and 15 at \$2,700. The department asked for an increase of from 7 to 17 in the \$3,000 class and a reduction from 15 to 10 in the \$2,700 class. That was a total increase of 5. Instead of giving the increase, the number has been reduced 5. I think inadvertently. You have given the decrease of 5, but no increase. I think it is not the intention to decrease the number.

Mr. MOON of Tennessee. It evidently is an error.

Mr. MANN. I do not know whether you wish it in this paragraph or the next, but if you want the total number to remain the same as it is now, you ought either to increase the number of these officials in this paragraph from 7 to 12, or if you want it in the next paragraph you ought to increase the number there from 10 to 15.

Mr. MOON of Tennessee. It ought to be in the lower grade.

Mr. MADDEN. It ought to be 15 instead of 10.

Mr. MOON of Tennessee. Let that correction be made.

Mr. MANN. After the next paragraph is read.

The Clerk read as follows:

Assistant superintendents of mails, superintendents of delivery, and superintendents of mails, 10, at not exceeding \$2,700 each.

Mr. MANN. Mr. Chairman, I move to strike out the word "ten," in line 7, and insert the word "fifteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 7, page 6, strike out the word "ten" and insert the word "fifteen."

The amendment was agreed to.

The Clerk read as follows:

For compensation to clerks in charge of contract stations, at a rate above \$300 each and not to exceed \$1,000 each, \$430,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The estimate of the department for this item and the succeeding item was combined at \$1,250,000. That was an increase of \$320,000 over the current appropriation. You have segregated the two items as is now carried in that law and made an increase in the two of \$200,000—\$100,000 for each item. In every other place practically you have taken the department's estimate on the increase of work that was expected through the parcel post.

Mr. MOON of Tennessee. Not in all of them; we have reduced some.

Mr. MANN. To a large extent, in the main, you have, as to post offices themselves and the operation of the post offices, but as to the clerks and carriers I think you took it practically as they gave it. Now, in the cities, in districts like mine, and I think it is true of other large cities, we depend on what you call the contract station. There are places in my district, thickly populated, where you can not buy a postage stamp within the radius of a mile, which is neither to the convenience of the people nor the interest of the postal service.

Mr. MOON of Tennessee. Does the gentleman from Illinois think the increase of \$200,000 is not sufficient.

Mr. MANN. I think it is not quite sufficient.

Mr. FITZGERALD. Why?

Mr. MANN. Because it will not cover the additional contract stations.

Mr. FITZGERALD. How does the gentleman know?

Mr. MOON of Tennessee. As the gentleman knows, this is a good deal of guesswork.

Mr. MANN. Of course, there is more or less guesswork about it.

Mr. FITZGERALD. Let me suggest. At present, under the parcel-post system, do they permit them to use the contract station? Must they not go to the main office?

Mr. GARNER. I know from observation that they do handle parcel-post matter at the contract stations.

Mr. MANN. Of course; it is perfectly apparent to anyone that it must be done that way in the large cities. You can not expect to send the people a number of miles in a city in order to deposit mail to go by parcel post. I wish the gentleman from Tennessee would increase this item \$20,000.

Mr. MOON of Tennessee. Last year there was an unexpected balance of \$77,000. Now with the increase that we have allowed that would give \$277,000. I do not want to do anything that will cripple the service in Chicago or in New York, but we are all more or less guessing at it.

Mr. MANN. I know it is more or less an experiment, but these stations can not receive any pay unless they do a certain amount of money order or registry business. They are paid on the basis of the money order and registry business, and no station can receive over \$100 unless it does a large amount of money order and registry business. No station does a large amount of that business unless it does a large amount of postal business in addition.

Mr. GARNER. As I understand, what the gentleman from Illinois criticizes—

Mr. MANN. I am not criticizing anything.

Mr. GARNER. What the gentleman is complaining about—it may not be in the order of a complaint, but he says that they have to go a mile in his district to buy a postage stamp. That is the fault of the Post Office Department in not establishing stations at more convenient places in the city of Chicago, and not a valid criticism of Congress for not making the appropriation when we have \$77,000 left over from last year.

Mr. MANN. Well, I always accept the statement of the gentleman from Tennessee.

Mr. MOON of Tennessee. I got my figures from the department.

Mr. MANN. I know that they have informed me that in many cases where stations were asked for in certain localities that they did not have the money with which they could establish a station. I have had the information recently.

Mr. GARNER. The gentleman from Tennessee makes the statement that he gets his figures from the Post Office Department itself, and so if the Post Office Department has made the statement which the gentleman from Illinois says it has, there is an error on the part of some official in giving incorrect information, either to the chairman of the committee or the gentleman from Illinois.

Mr. MOON of Tennessee. No; I do not think so. In the expenditures of last year there is an unexpended balance of over \$77,000.

Mr. MANN. The committee gave \$100,000 under the estimate of the department in this particular place, which is very material.

Mr. MOON of Tennessee. We gave \$43,000 under the estimate of the department.

Mr. LLOYD. We are increasing this appropriation nearly 25 per cent, and that is a much larger increase than we have ever given before. There never has been an increase to compare with this. This appropriation from time to time has been running for five or six years with a very slight increase. Now we make an increase of 25 per cent, and we thought we were doing remarkably well.

Mr. MOON of Tennessee. What figures does the gentleman from Illinois want?

Mr. MANN. What I want is an increase in the next item where they use the contract stations.

Mr. MOON of Tennessee. How much does the gentleman want there?

Mr. MANN. Fifty thousand dollars. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For compensation to clerks in charge of contract stations, at a rate not to exceed \$300 each, \$700,000.

Mr. MANN. Mr. Chairman, I move to strike out, in line 5, page 12, the figures "700,000" and insert "750,000."

The Clerk read as follows:

Page 12, line 5, strike out the figures "700,000" and insert "750,000."

Mr. MOON of Tennessee. Does the gentleman think that will give the service that he wants?

Mr. MANN. I hope and pray that it will.

Mr. MOON of Tennessee. Mr. Chairman, we will agree to that.

Mr. FOWLER. Mr. Chairman, I understand that the \$700,000 is an increase over the current amount of something like 25 per cent; that is, above the appropriation carried for this item last year.

Mr. MANN. It was an increase, not of 25 per cent, but from \$600,000 to \$700,000.

Mr. FOWLER. As I understand, there is an unexpended balance.

Mr. MANN. I do not know which item had the unexpended balance.

Mr. MOON of Tennessee. There was an unexpended balance of the two items, one of \$40,000 and one of \$37,000. Of course you could not get the benefit of that under the law.

Mr. MADDEN. I think we ought to get it.

Mr. MANN. We need the money for actual postal service.

Mr. FOWLER. Mr. Chairman, I understand that is true; but if the business could have been transacted by, say, \$40,000 less than the amount appropriated in the last bill, and now there is an increase of \$100,000, that is equal to \$140,000 above what was used during the last fiscal year.

Mr. MANN. Mr. Chairman, if the gentleman from Illinois, my colleague [Mr. FOWLER], will pardon me, the increase that is carried in the bill will not increase the number of stations at all, although it would apparently give 100 new stations or more, because with the parcel-post proposition, under the regulations of the department, there will be a large number of increases from 100 to 200 and from 200 to 300, which would fully absorb the increase carried by the bill, without making any provision at all for new stations, and the gentleman understands that in the cities as they grow there is a necessity for new stations in localities. They will not establish with us a station anywhere that is within half a mile of another station.

Mr. MADDEN. And I may say that we have built in Chicago 60 miles of street frontage of buildings last year, and that means a very large increase in the population, and of course it requires increased facilities.

Mr. GARNER. Mr. Chairman, will the gentleman from Illinois yield?

Mr. FOWLER. Certainly.

Mr. GARNER. Mr. Chairman, I can not understand how it is that the gentleman from Illinois [Mr. MANN] and the gentleman from Illinois [Mr. MADDEN] are complaining for the want of money when the report here shows in these identical items the Post Office Department turns back into the Treasury a large sum of money.

Mr. MADDEN. But there was no parcel post last year.

Mr. GARNER. But that does not make any difference. The gentleman is calling attention to conditions in Chicago, want of facilities there to handle the business in these contract stations. The Post Office Department has the money to do this work and if it has not been done, it is the fault of the Post Office Department and not the fault of Congress.

Mr. LLOYD. Mr. Chairman, if the gentleman will permit, I think that may be answered very well in connection with something with which he has had experience. We have from time to time made appropriations for extension of the rural service, but in order to show economy in the administration of postal affairs, they have not expended the money appropriated from time to time, and it went back into the Treasury, and the consequence is that the gentleman and his constituents do not get the service that they ought to have, and that Congress intended they should have.

Mr. GARNER. Mr. Chairman, I fully agree with what the gentleman from Missouri [Mr. LLOYD] says, but this state of affairs exists here. The committee is proposing to agree to an amendment offered by the gentleman from Illinois [Mr. MANN] for the reason that they want additional service in Chicago. It is merely a guess. If the committee had sufficient money, why does the gentleman want to encumber this bill with an additional appropriation, to be charged up to this House in the total amount appropriated, when you are not going to use the money?

Mr. MOON of Tennessee. I will say to the gentleman, Mr. Chairman, that there was an unexpended balance on one item of \$40,000 and of \$37,000 on another. The department estimates that it will need \$320,000 on account of this additional service. They can not tell accurately what it will be, but that is the best judgment, and from my experience I think that \$320,000 will be needed. The committee gave \$200,000, in view of the fact that there was an unexpended balance of \$77,000 from the previous year. The gentleman from Illinois [Mr. MANN] asks for \$50,000, and I think it is reasonable that he should have that amount

because still the allowance by the House will be \$70,000 less than the Post Office Department recommends.

Mr. GARNER. Mr. Chairman, will the gentleman from Illinois yield further?

Mr. FOWLER. Yes.

Mr. GARNER. Mr. Chairman, I can not understand how a great committee of this House, having the largest bill brought into the House, can come in here and then permit a Member of the House who is not a member of the committee, who has not made any investigation about the matter, the gentleman from Illinois [Mr. MANN], upon a mere statement from him to obtain an increase in the appropriation of \$50,000. Evidently one of two things is true—the committee has not investigated as much as it ought to have investigated, or it ought to be able to say that the gentleman from Illinois is not entitled to this amount.

Mr. MOON of Tennessee. No, Mr. Chairman, it ought not to be able to say any such thing. The fact is this: It is purely an estimate on the part of the department to begin with, and it is purely an estimate on the part of the committee. The committee reduced the estimate of the department in accordance with the policy of cutting down and reducing as best we could, but the gentleman from Illinois [Mr. MANN] comes in here and states the conditions in the city of Chicago and asks that we give \$50,000 more, which is \$70,000 less than the department thinks we ought to give.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOON of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Certainly.

Mr. MOON of Tennessee. We have to pay some consideration to Members in this House who are not members of the committee. There may be committees in the House that arrogate to themselves that superiority that will brook nothing that comes from the gentlemen in the House who are not upon the committee, but the Post Office Committee does not claim all the wisdom of this House. It can be in error. It can make mistakes like others, and the explanation of the gentleman from Illinois [Mr. MANN] ought to be enough for an intelligent man to get \$50,000.

Mr. GARNER. Mr. Chairman, may I ask the chairman of the committee a question?

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] has the floor.

Mr. GARNER. Very well, I shall not take up further time now, but will wait until I can get the floor in my own right.

Mr. FOWLER. Mr. Chairman, I do not desire to be captious about any of these matters. I am aware of the necessity for an appropriation to carry out the great business of the Post Office Department, but we gave consideration to this item in the committee, as we did to other items, and, in my opinion, it is as fully adequate to carry out the business for which it is intended as any other item in this bill, and I can see no reason whatever for an increase of \$50,000 to this one small item. I know that there are additional stations required in great populous, growing cities of this country, and we ought to prepare for them as liberally as we do in the country for the rural route delivery and any other part of the machinery of the great Post Office Department; but in view of the liberal increase that was made in these two items, giving something like \$240,000—

Mr. MOON of Tennessee. Two hundred thousand dollars.

Mr. FOWLER. And taking into consideration the amount of the unexpended balance—

Mr. GARNER. Two hundred and seventy-eight thousand dollars.

Mr. FOWLER. It makes something like \$275,000.

And I do say, Mr. Chairman, in the light of all the wisdom of the committee, notwithstanding the honorable chairman's profession of not knowing very much about it, yet he is as familiar with the ins and outs of this department as any other chairman that I have had the honor to serve with. And, Mr. Chairman, I say, in the light of the wisdom of the committee and the liberality which was given in the increased appropriation in these two items, I do not think the amendment is warranted, and I will vote against it.

Mr. MADDEN. Mr. Chairman, I want to say a word on this.

The CHAIRMAN. Is the gentleman in favor of the amendment?

Mr. MADDEN. I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized to support the amendment.



Mr. MADDEN. I have thought in the consideration of this item in the committee room that the committee was not sufficiently liberal in its recommendations. We are establishing a parcel post that is going to add materially to the work of all these contract stations. In the city of Chicago alone in 1912 there were \$100,000,000 spent in the construction of new buildings. Sixty miles of street frontage of new buildings was erected during 1912, making provisions for more than 150,000 increased population.

The work performed by these contract stations during 1912 was not adequate to meet the needs of that great city. The territory from which my colleague [Mr. MANN] comes has increased so rapidly that it is hard work for the Post Office Department to keep pace with the increased growth of that community. And, as he says, stations are now more than a mile apart. You can not buy a postage stamp without walking a mile; you can not register a letter; and the compensation paid for the service rendered in these contract stations everywhere throughout the United States is inadequate for the work performed. If it was for no other purpose than to pay adequate compensation for the work done by the men who occupy these contract stations, there ought to be added appropriations made.

Why, \$60,000 worth of stamps are sold in some of these small stations in a year, and if one man occupies the place for any considerable length of time for the performance of that business he is paid \$600 a year. He has to pay out more than he gets for clerk hire, and if he by some chance complains because of the inadequacy of the compensation and resigns from the place, why, the Government undertakes to contract with some other man for the performance of the work. It is outrageous to think that a great Government like this would squeeze a man who has to occupy a small place, such as the clerk of a drug store, down to the pay of \$100 for performing \$60,000 worth of work a year.

In order to increase the number of stations to accommodate the increase of population of these great centers, there ought to be some compensation paid to the men for the work that is done. Fifty thousand dollars is not enough to meet the present needs, but \$50,000 is better than nothing, and I hope the amendment will prevail.

Mr. TOWNSEND. Beyond the qualification of having served, is there also an examination for that particular branch of the service?

Mr. MADDEN. Yes, sir; and he must have attained a certain rate of efficiency and a certain rank, and he must have been in service a certain length of time, and he must be able to pass the prescribed examination, even after he is designated, in order to be appointed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LLOYD. I wish to say, Mr. Chairman, that there is this difference between the selection of a post-office inspector and a selection ordinarily in the civil service elsewhere: Ordinarily under the civil service the Civil Service Commission certifies three men, and you are permitted to make choice amongst the three. Under regulations affecting the post-office inspectors one man applies, and if he passes the necessary examination he may be admitted without competition with anybody else.

Mr. MADDEN. That is true; but after he does apply, I wish to say to my colleague, he can not be designated unless he stands in the rank to which he must have attained before he can be designated.

Mr. LLOYD. That is true; and here is where the difference is with reference to post-office inspectors: The persons that have been designated to take examinations from time to time in recent years have largely been from the dominant party, and that accounts for the fact that at the present time the larger number of post-office inspectors are Republicans.

Mr. MADDEN. If these men who are inspectors in the postal service are like most men who have been employed in the public service elsewhere, whether they went in as Democrats or Republicans, they will find their minds to be of such an elastic character, when the time comes for a change of administration, that they will be able to prove to the incoming administration that they are of its own political faith. [Laughter.]

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MADDEN. Yes.

Mr. GARNER. Is this a matter of law, or is it a matter of rule and regulation made by the department?

Mr. MADDEN. It is a matter of rule.

Mr. GARNER. Why is this change made of three in one?

Mr. MADDEN. This is a rule of the department, to select men well qualified for the place. It was made to secure efficient men.

Mr. FITZGERALD. Mr. Chairman, I wish to oppose the amendment of the gentleman from Illinois [Mr. MADDEN]. The gentleman does not intend to have the House believe that those who seek these contract stations seek them because of the money they make out of handling the Government business. They seek such contract stations because of the advantage they are to them in the particular business in which they are engaged. I do not know of a pharmacist in the city of New York that is not very anxious and willing to have a contract station, because it brings the traffic and the business of the locality to his particular place of business.

Mr. Chairman, what surprises me is the attitude of the Committee on the Post Office and Post Roads. This committee is supposed to have carefully investigated these matters, and with all of the information possible and available, to have made such a recommendation as they believed sufficient to permit the carrying on of the postal service. I do not doubt that the gentleman from Illinois [Mr. MANN] is very familiar with the conditions in Chicago, but I am quite certain he has not submitted any information to this committee that justifies anybody in reaching the conclusion that the recommendation of the Committee on the Post Office and Post Roads is erroneous.

The committee has been very liberal in this bill. I have had it checked up carefully, and it carries \$1,929,973 in excess of the estimates for the next fiscal year. I know the report does not indicate that to be the fact—

Mr. MOON of Tennessee. The bill was changed after the report was made.

Mr. MANN. The gentleman from New York is mistaken, because that is not the fact.

Mr. FITZGERALD. The gentleman is not mistaken. I have had the calculation made by men who are the most accurate and reliable in this character of business in connection with the House.

Mr. MANN. They have not figured on the estimates, probably.

Mr. MOON of Tennessee. It could not be true, because the bill does not carry the estimates in lots of places.

Mr. MANN. If the gentleman from New York [Mr. FITZGERALD] will pardon the suggestion, the amount of \$281,000,000 comprises the figures given in the estimates, but are not the sum of the items. Now, the gentleman from New York has computed the sum of the items without taking the totals, and so it exceeded the estimates. The estimates give both the items and the totals.

You can not take the totals in that one place and then add some of the items in another place and compare them.

Mr. FITZGERALD. Unfortunately the committee did not include the limitations in the various paragraphs that would have limited the appropriations in accordance with the intentions of the department.

Mr. MANN. I think they are not in the estimates either.

Mr. FITZGERALD. They are in some places at least, because I have a memorandum of them; the bill carries \$283,721,481.

Mr. MOON of Tennessee. Well, you just got somebody that can not calculate aright within about \$3,000,000. [Laughter.]

Mr. FITZGERALD. There is a difference of \$1,973,000. Of course the statement of the gentleman from Tennessee may seem humorous, but, Mr. Chairman, I am willing to place the calculations made by the clerks of the Committee on Appropriations, who are noted for accuracy, against those made by any other clerks in the Government service.

Mr. MOON of Tennessee. If the estimates were only \$281,000,000 in round figures, and the allowances made through the bill cut the estimates largely, from five hundred to two hundred thousand dollars, how is it possible to make the bill \$283,000,000?

Mr. FITZGERALD. The gentleman's statement is erroneous, because the bill states in various paragraphs certain totals which are not accurate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that my time be extended two or three minutes. I do not care to speak long.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FITZGERALD. When the totals are computed, in accordance with the law, it is found that the bill carries nearly \$2,000,000 in excess of the estimates. I have not relied upon any calculations made by myself. I have had the calculations made by the best equipped men in the Government service, and I am willing to rest content upon their calculations, regardless of the indifference of the gentleman from Tennessee to them.

Mr. MOON of Tennessee. I rely upon calculations made by some men in the department just as well equipped as yours.

Mr. FITZGERALD. I know, Mr. Chairman, from experience, that the calculations of the departments are not always accurate, and I do know that the calculations made in the place where I have had these made are seldom, if ever, erroneous.

Mr. MOON of Tennessee. I wish the gentleman would tell me who that infallible individual of his is.

Mr. FITZGERALD. It is the two clerks of the Committee on Appropriations. One of them has been connected with the committee 33 years and is well known to the gentleman from Tennessee.

Mr. MOON of Tennessee. That is neither here nor there.

Mr. FITZGERALD. Aside from that, Mr. Chairman, the Committee on the Post Office and Post Roads has brought in this recommendation with an increase in this item over the current law by over \$100,000, and, without anything being submitted that would influence anybody's judgment, he is willing to accept an amendment to increase the item \$50,000 more.

Mr. MOON of Tennessee. Has the gentleman read the hearings on page 25 on this section?

Mr. FITZGERALD. No; I have not read them.

Mr. MOON of Tennessee. The gentleman ought to know something about that. The gentleman will find the information, he requires there.

Mr. FITZGERALD. The gentleman from Tennessee has not only read them, but he was present when the testimony was taken, and his committee formed certain conclusions from the consideration of that testimony; and yet, without additional information being submitted, but upon the statement of the gentleman from Illinois [Mr. MANN], who is in my own condition so far as examining the hearings is concerned, the gentleman from Tennessee is willing to increase this item by \$50,000 more.

If the recommendations of the committee are of no more value and are not to be any more relied upon in the other instances than they are in this case, I think it would be incumbent upon some Members to examine more carefully the hearings and form their own conclusions rather than attempt to rely upon the recommendations of the committee.

Here is the largest appropriation bill reported to the House carrying \$12,000,000 in excess of the current law. It seems to me that after the committee has reached its conclusions and made its recommendations to the House, items should not be increased by consent of the committee except upon submission of information which was not before it, and in the present instance that is not of sufficient weight to justify the House in accepting such amendments.

Mr. MOON of Tennessee. Mr. Chairman, I know that the gentleman from New York is the guardian of the Treasury. I know that he thinks there is not anybody that knows anything about appropriations or anybody that has got sense enough to make a mathematical calculation correctly except some clerk in his committee. Those things are all patent to us. The arrogance of the gentleman from New York has been apparent to us all from time to time.

I want to commend him, however, for his attempt to keep down appropriations. He knows as well as I do that when this money is appropriated it will be returned to the Treasury if it is not used in the performance of the law. The only point that he has got to make about it is that he wants to keep down the appearances in the matter; that is all.

But if these people in Chicago and New York and elsewhere in our big cities are entitled to this money, I do not feel like taking it away from them. The department has made an estimate. You will find here, on pages 25 and 26, a very careful statement by the assistants in this office and a full review of this whole question. They say they need \$320,000. They were asked if they had any basis upon which they could fix the amount. They gave as their reason the natural increase of the business there, and said it would require a great amount of this money, and that the parcel post would require a large amount of it. They were catechized as to the exactness of their information. They could not tell positively. No living man could do it, except, I suppose, somebody on the Committee on Appropriations. They could not tell exactly the amount that would come out of the parcel post and other increases, but they gave the best information they could; and in pursuance of the

policy cutting down the appropriations to the extent we thought justifiable, we cut this estimate from \$320,000 down to \$200,000.

This was the tentative view of the committee. This committee does not assume to say that it was exactly correct on that figure. But when the gentleman from Illinois [Mr. MANN] came here and stated the conditions in Chicago, his city, and the other gentleman from Illinois [Mr. MADDEN] stated the conditions in his city—and it is fair to assume that the conditions there are the same as in other cities—I think it is just as well to be a little liberal and just in these matters and increase the amount. If we can not and do not go to the full amount that the department estimates, it seems to me this is just, in view of the additional facts brought before the House by the gentleman from Illinois [Mr. MANN], because if the money is not needed it will still be in the Treasury.

Mr. GARNER. In view of the fact that the gentleman from Illinois is complaining of a state of facts that now exist under the present appropriation, and in view of the fact that the report shows that they had \$78,000 of this fund out of which they could have established these stations, does it seem reasonable or necessary, or will it remedy the situation which the gentleman complains of, to appropriate \$50,000 or \$500,000, when it is a matter that is the result of the neglect of the department and not for the want of funds? Why increase this appropriation when we have no assurance that the increasing of it will bring the relief sought by the gentleman from Illinois?

Mr. MOON of Tennessee. The gentleman must not assume, as he does, that it is always a matter of administration in every way simply because gentlemen do not happen to agree politically or in some other way. There is not much wisdom in that. These are people of the United States in these cities, and if the administration has been derelict, as the gentleman thinks it has, and has not given them the accommodation, let us at least make a sufficient appropriation so that the accommodation can be given to the people.

I move that all debate on this amendment be now closed.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The Clerk read as follows:

For the purchase, exchange, repair, and maintenance of mechanical and labor-saving devices, \$50,000.

Mr. MANN. I move to strike out the last word, for the purpose of inquiring of the gentleman whether he does not think that to proceed after a quarter to 6 o'clock on Saturday night is not nearly a violation of the rules of the union? [Laughter.]

Mr. MOON of Tennessee. Let us go on until 6 o'clock.

Mr. MANN. The gentleman knows that the Geographical Society has a dinner to-night, and a great many of the Members desire to go there.

Mr. MOON of Tennessee. I am willing to quit now if you will agree that when we get into the House we may have an understanding that we will meet at 11 o'clock Monday, and the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of this bill.

Mr. MANN. Of course we could not make an agreement of that kind in the committee.

Mr. MOON of Tennessee. If the gentleman will not oppose it—

Mr. MANN. I shall not oppose meeting at 11 o'clock. Monday is District day. What the District Committee will say about it I do not know.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, and for that purpose the sum of \$10,000 is hereby appropriated: *Provided*, That not to exceed \$1,000 shall be paid for one invention.

Mr. MANN. Mr. Chairman, I move to strike out the last word, and ask unanimous consent that that paragraph be passed over without prejudice, with the object of preparing an amendment to make it conform with other provisions in other departments.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the paragraph just read be passed over without prejudice. Does the gentleman mean to be recurred to at the end of the bill?

Mr. MANN. To be recurred to by the committee whenever the chairman desires.

The CHAIRMAN. Is there objection?

Mr. FOWLER. On what page is that?



Mr. MANN. The first paragraph on page 14.

Mr. FOWLER. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

That substitute carriers and substitute clerks when assigned to perform the work of regular employees absent on vacations, or when performing auxiliary or temporary work, shall be paid at the rate of 30 cents an hour. Every substitute carrier and substitute post-office clerk who has served as such substitute for a period of one year or more shall, when appointed to a regular position, receive the salary of a second-grade carrier or clerk, \$800 per annum, as his initial salary, and all other promotions shall be regulated according to the classification act approved March 2, 1907.

Mr. COX. Mr. Chairman, I ask unanimous consent that this paragraph be passed over. I do not care about taking it up now.

Mr. MOON of Tennessee. Has the gentleman any objection to the paragraph?

Mr. COX. I want to get some information.

Mr. MOON of Tennessee. It is entirely new law. It is in the interest of the service. The gentleman can reserve a point of order on it if he wishes.

Mr. COX. I did not reserve any point of order on it.

The CHAIRMAN. The gentleman from Indiana [Mr. Cox] asks unanimous consent that the paragraph be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, \$2,285,000.

Mr. MOON of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, and had come to no resolution thereon.

#### HOUSE OF MEETING ON MONDAY.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday morning, and that the House immediately resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday at 11 o'clock a. m., and that the House then immediately resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

Mr. NORRIS. Mr. Speaker, I should like to suggest to the gentleman that the latter part of his request is objectionable. Monday is District day.

Mr. FITZGERALD. Then just ask to meet at 11 o'clock.

Mr. NORRIS. There are very few Members here, and it is hardly fair to those who are not here, unless they have notice of the meeting at 11 o'clock.

Mr. MOON of Tennessee. The notice will be given in the RECORD.

Mr. NORRIS. That is a part of the RECORD that Members ordinarily do not pay much attention to.

Mr. FITZGERALD. Let the gentleman modify his request and make it simply that the House meet at 11 o'clock on Monday.

Mr. NORRIS. I think the chairman of the Committee on the District of Columbia ought to have actual notice of this.

Mr. MOON of Tennessee. Very well, Mr. Speaker, I will simply make the request that we meet at 11 o'clock on Monday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday next. Is there objection?

There was no objection.

#### THE LATE REPRESENTATIVE WEDEMAYER.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

#### House resolution 772.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend memorial services for Hon. WILLIAM W. WEDEMAYER, late a Representative from the State of Michigan, to be held at Ann Arbor, Mich.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of this resolution, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. HAMILTON of Michigan. Now, Mr. Speaker, I send the following order to the Clerk's desk and ask for its immediate consideration.

The Clerk read as follows:

Ordered, That Sunday, the 16th day of February, 1913, at 12 o'clock, be set apart for addresses on the life, character, and public services of Hon. WILLIAM W. WEDEMAYER, late a Representative from the State of Michigan.

The SPEAKER. Is there objection to the present consideration of the order? [After a pause.] The Chair hears none.

The order was agreed to.

#### ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.) the House, under its previous order, adjourned until Monday, January 13, 1913, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of communications from the Secretary of the Navy submitting urgent deficiency estimates of appropriations for the naval service (H. Doc. No. 1263); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communications from the Secretary of State, submitting estimates of urgent deficiency appropriations required by the Department of State (H. Doc. No. 1262); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy, submitting supplemental estimates of appropriations required for the naval service for the fiscal year ending June 30, 1914 (H. Doc. No. 1264); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting communications from the Postmaster General, submitting supplemental and revised estimates of appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914 (H. Doc. No. 1265); to the Committee on the Post Office and Post Roads and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TOWNSEND, from the Committee on the Library, to which was referred the bill (H. R. 18505) incorporating the American Academy of Arts and Letters, reported the same without amendment, accompanied by a report (No. 1291), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 14540) for the relief of Harriet Hamilton Pratt, and the same was referred to the Committee on Naval Affairs.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NYE: A bill (H. R. 27944) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON of Mississippi: A bill (H. R. 27945) providing for examination and survey of channel in Back Bay of Biloxi, Miss.; to the Committee on Rivers and Harbors.

By Mr. GRAY: A bill (H. R. 27946) to provide for purchase of a site and erection of a public building at Shelbyville, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. KINKEAD of New Jersey: A bill (H. R. 27947) providing for the erection of a public building at the city of Bayonne, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. NEEDHAM: A bill (H. R. 27948) providing for a right of way for the United States from the Yosemite Valley

Railroad Co. and for payment therefor; to the Committee on the Public Lands.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 27949) to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian Reservation, State of Oklahoma; to the Committee on Indian Affairs.

By Mr. MORGAN of Oklahoma: A bill (H. R. 27950) to equalize the grant of lands to the State of Oklahoma for common schools with grants made to other States for such schools, and for other purposes; to the Committee on the Public Lands.

By Mr. COLLIER: A bill (H. R. 27951) authorizing a survey of Yazoo River Canal opposite the city of Vicksburg, Miss.; to the Committee on Rivers and Harbors.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 27952) to authorize the extension and enlargement of the post-office building in the city of Lincoln, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. TILSON: A bill (H. R. 27980) authorizing the Postmaster General to pay a cash reward for inventions and suggestions submitted by employees of the Post Office Department for improvement or economy in the postal service; to the Committee on the Post Office and Post Roads.

By Mr. CARTER: Joint resolution (H. J. Res. 381) authorizing the Secretary of the Interior to make a per capita distribution to the enrolled members of the Choctaw and Chickasaw Tribes of Indians in Oklahoma of funds held in the Treasury to the credit of said tribes; to the Committee on Indian Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 27953) granting an increase of pension to Henry F. Sterry; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 27954) granting an increase of pension to Charles W. Wood; to the Committee on Pensions.

By Mr. BOEHNE: A bill (H. R. 27955) granting an increase of pension to James H. Paul; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 27956) for the relief of the heirs of James L. Pyne, deceased; to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 27957) for the relief of the legal representatives of the estate of Charles E. Mix; to the Committee on War Claims.

By Mr. COOPER: A bill (H. R. 27958) granting a pension to Electa Paradise; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 27959) granting a pension to Elizabeth Pierson; to the Committee on Invalid Pensions.

By Mr. DONOHUE: A bill (H. R. 27960) granting a pension to William Costello; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 27961) for the relief of the heirs of Nathaniel Boyden; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 27962) granting an increase of pension to Della M. Smith; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 27963) granting a pension to Mary U. Hull; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 27964) granting a pension to Mary MacArthur; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 27965) granting an increase of pension to Mary E. Workman; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 27966) granting an increase of pension to William J. Doyle; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 27967) granting a pension to Kate King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27968) granting a pension to Jesse Beason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27969) granting an increase of pension to Thomas C. Diltz; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 27970) granting an increase of pension to William Fagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 27971) granting an increase of pension to James McCullough; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 27972) granting an increase of pension to John W. Jenkins; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 27973) granting a pension to Dolphus A. Gilliam; to the Committee on Pensions.

By Mr. SWITZER: A bill (H. R. 27974) granting a pension to Maria Chavis; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 27975) granting a pension to Abbie H. Lewis; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 27976) granting an increase of pension to Mattie B. Carr; to the Committee on Invalid Pensions.

By Mr. WITHERSPOON: A bill (H. R. 27977) for the relief of the trustees of the Sageville Methodist Episcopal Church South, of Sageville, Lauderdale County, Miss.; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 27978) granting an increase of pension to John Scott; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 27979) for the relief of Ed P. Ambrose; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 27981) directing the Secretary of War to issue to John A. Cassell a certificate of merit for distinguished service as cipher operator during the Civil War; to the Committee on Military Affairs.

Also, a bill (H. R. 27982) granting an increase of pension to Pauline White; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of R. E. Cunniny and 6 other merchants of Gnadenhutten, Ohio, favoring the passage of legislation giving the Interstate Commerce Commission further power toward the control of the express companies; to the Committee on the Judiciary.

By Mr. AYRES: Petition of the social science section of the American Association for the Advancement of Science, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of R. S. Hawes, of St. Louis, Mo., favoring the passage of the uniform bills of lading act (S. 975), for the regulation of bills of lading; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Blue Wing Gun Club, St. Louis, Mo., and H. E. Welker, of St. Louis, Mo., favoring the passage of House bill 36, for Federal protection of all migratory birds; to the Committee on Agriculture.

Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring the passage of House bill 25106, for the incorporation of the Chamber of Commerce of the United States of America; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Swope Shoe Co., of St. Louis, Mo., protesting against the passage of the Oldfield patent bill, preventing the fixing of prices by the manufacturers of patent articles; to the Committee on Patents.

Also, petitions of Charles T. Durand and 3 other citizens of St. Louis, Mo., and the National War Veterans of Denver, Colo., all favoring the passage of legislation granting pensions to the veterans of the Indian wars; to the Committee on Pensions.

Also, petition of the Whitman Agriculture Co., St. Louis, Mo., favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. BATHRICK: Petition of the Akron Chamber of Commerce, favoring the passage of House bill 25106, granting a Federal charter to the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. BROWN: Papers for the relief of the heirs of James L. Pyne; to the Committee on War Claims.

By Mr. CALDER: Petition of the Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of House bill 25106, granting them a Federal charter; to the Committee on the Judiciary.

Also, petition of the Farmers' National Congress, Chicago, Ill., favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Maryland and District of Columbia Launderers' Association, Baltimore, Md., favoring the passage of House bill 25685, for the labeling and tagging of all fabrics and articles of clothing intended for sale; to the Committee on Interstate and Foreign Commerce.

By Mr. CARLIN: Papers to accompany bill for the relief of the legal representative of the estate of Charles E. Nix; to the Committee on War Claims.

By Mr. CLINE: Petition of citizens of Steuben County, Ind., favoring the passage of legislation for the retention of duty on onions; to the Committee on Ways and Means.



By Mr. DENVER: Petition of shoe workers in Bethel and Georgetown, Ohio, protesting against the passage of legislation for the placing of boots and shoes on the free list; to the Committee on Ways and Means.

By Mr. DYER: Petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Judson G. Wall, New York, N. Y., favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring the passage of legislation for the reestablishment of a grain standardization laboratory in St. Louis; to the Committee on Agriculture.

By Mr. ESCH: Petition of Judson G. Wall, New York, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of the National Academy of Design, New York, N. Y., protesting against any action on the part of Congress that will interfere with the design for the development of Washington as drawn up by the Washington Park Commission; to the Committee on the Library.

By Mr. HAMILL: Petition of the Italian Chamber of Commerce of New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. KINDRED: Petition of Judson G. Wall, of New York, N. Y., and the Farmers' National Congress, Chicago, Ill., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the National Academy of Design, New York, N. Y., protesting against any action on the part of Congress interfering with the plans of the Washington Park Commission for the development of Washington; to the Committee on the Library.

Also, petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Indian War Veterans, Denver, Colo., favoring the passage of legislation granting pensions to veterans of the Indian wars; to the Committee on Pensions.

Also, petition of the Chamber of Commerce of the United States of America, favoring the passage of House bill 25106, granting them a Federal charter; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Judson G. Wall, of New York, favoring the passage of Senate bill 3, giving Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of William Reilly, Yonkers, N. Y.; George W. Brown, James M. McGee, and Myron Wood, Philadelphia, Pa., favoring the passage of House bill 1339, granting an increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Italian Chamber of Commerce of New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PARRAN: Papers to accompany bill (H. R. 27395) granting a pension to Elizabeth Freeman; to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of the Court of Common Council of the City of New London, protesting against the provision in the sundry civil bill for making no additional appointments of cadets or cadet engineers to the Revenue-Cutter Service unless authorized by Congress; to the Committee on Naval Affairs.

Also, petition of the Massachusetts Association of Sealers of Weights and Measures, favoring the passage of House bill 23113, fixing a standard barrel for the shipment of fruits, vegetables, etc.; to the Committee on Ways and Means.

By Mr. TILSON: Petition of the Court of Common Council, New London, Conn., favoring legislation repealing the section of the sundry civil appropriation act which provides that no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless authorized by Congress; to the Committee on Naval Affairs.

By Mr. UNDERHILL: Petition of the Social Science Section of the American Association for the Advancement of Science, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

## SENATE.

MONDAY, January 13, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## ILLINOIS RIVER BRIDGE.

Mr. CULLOM. I should like to have passed the bill (S. 7637) to authorize the construction of a railroad bridge across the Illinois River near Havana, Ill. It is somewhat important, owing to the emergency of the situation, that it should be passed at once.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution adopted by the Legislature of Vermont, relative to the submission of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Joint resolution making application to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited.

Whereas it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now therefore

Resolved by the senate and house of representatives, That the application be made, and hereby is made to Congress, under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be, and they hereby are, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

FRANK E. HOWE,

President of the Senate.

CHARLES A. FLUMLEY,

Speaker of the House of Representatives.

Approved December 18, 1912.

ALLEN M. FLETCHER, Governor.

STATE OF VERMONT,  
Office of the Secretary of State.

I hereby certify that the foregoing is a true copy of "A joint resolution making application to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited." Approved December 18, 1912, as appears by the files and records of this office.

Witness my signature and the seal of this office, at Montpelier, this 10th day of January, 1913.

[SEAL.]

GUY W. BAILEY,  
Secretary of State.

Mr. BRANDEGEE presented a memorial of members of the German-American Alliance, of Bridgeport, Conn., remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. FLETCHER presented a petition of the United States Live Stock Sanitary Association, praying that an increased appropriation be made for use of the Bureau of Animal Industry, Department of Agriculture, in its work toward tick eradication and control and eradication of hog cholera, which was referred to the Committee on Agriculture and Forestry.

## REPORTS OF COMMITTEES.

Mr. WARREN. I am directed by the Committee on Appropriations, to which was referred the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, to report it with amendments, and